

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF KENTUCKY-OHIO GAS COMPANY)
FOR APPROVAL OF A CERTIFICATE OF)
CONVENIENCE AND NECESSITY TO CONSTRUCT)
PIPELINE FACILITIES, APPROVAL OF) CASE NO. 93-144
FINANCING AND APPROVAL OF SPECIAL)
CONTRACT)

O R D E R

Kentucky-Ohio Gas Company ("KOG") filed a petition with the Commission on April 16, 1993 requesting a Certificate of Public Convenience and Necessity to construct certain pipeline facilities and for approval of its plan of financing. KOG requested that the Commission approve its petition expeditiously and did not request a hearing. On August 27, 1993, Columbia Gas of Kentucky, Inc. ("Columbia") filed its motion for leave to intervene requesting full intervention in this proceeding. KOG's response to the motion was filed August 31, 1993.

After consideration of the motion and response and being otherwise sufficiently advised, the Commission finds that Columbia's motion to intervene should be denied. 807 KAR 5:001, Section (3)(8) provides that any person who wishes to become a party in a proceeding may by timely motion request leave to intervene. Columbia's request was filed over four months after the case was established. Two informal conferences between KOG and Staff have been held and numerous data requests have been issued

and responses filed. At this advanced stage, Columbia's intervention request cannot be considered timely.

Section (3)(8) further provides that full intervention shall be granted if the Commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that intervention is likely to present issues or develop facts that will assist the Commission without undue complication or disruption of the proceedings. This case was deemed submitted to the Commission at the time KOG's response to the last data request was filed. Granting intervention at this stage will disrupt this proceeding.

Columbia represents that its interest in this proceeding is directly related to issues presented and ruled upon by the Commission in Case No. 91-138.¹ Columbia incorporates the record of that proceeding into its request for intervention. The Commission is fully aware of our ruling in that case and that service to Ashland Oil, Inc. was the primary issue. However, the question of whether KOG can provide service to Ashland having been ruled upon in Case No. 93-138 we see no merit in having those issues relitigated in this case.

IT IS THEREFORE ORDERED that Columbia's motion for leave to intervene be and it hereby is denied.

¹ Case No. 91-138, Columbia Gas of Kentucky, Inc. v. Kentucky-Ohio Gas Company.

Done at Frankfort, Kentucky, this 3rd day of September, 1993.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:



Executive Director