

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF ROYAL ENERGY COMPANY,)
INC. FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE) CASE NO. 93-443
LOCAL GAS DISTRIBUTION SERVICES TO THE)
PUBLIC)

O R D E R

On November 29, 1993, the City of Albany and Royal Energy Company, Inc. ("Royal") filed a joint petition requesting approval of the sale and transfer of the Albany Gas Utility Company ("Albany Gas"). As Albany Gas was not a jurisdictional utility, the case was converted to an application for a Certificate of Convenience and Necessity.

The Commission's December 20, 1993 Order required Royal to furnish additional information relating to the application and to appear at an informal conference. The informal conference held on April 14, 1994, was attended by representatives of Titan Energy Group, Inc. ("Titan") who reported that Titan had purchased Albany Gas from Royal. No representatives of Royal attended the informal conference. Titan informed Commission Staff that it planned to file additional information in support of the application after consulting with legal counsel.

No additional information has been filed by Royal or Titan in support of the application for a Certificate of Convenience and Necessity. Titan's purchase of Albany Gas from Royal constitutes the acquisition of a utility as defined by KRS 278.010(3)(b). Titan is in probable violation of KRS 278.020(4) for failure to receive Commission approval prior to acquisition of Royal's gas distribution utility.

The Commission being further sufficiently advised, IT IS
HEREBY ORDERED that this case be dismissed and removed from the
docket.

Done at Frankfort, Kentucky, this 3rd day of August, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director