

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE CARBIDE/GRAPHITE GROUP, INC., ET AL.)	
)	
COMPLAINANTS)	
)	
VS.)	CASE NO. 94-079
)	
WESTERN KENTUCKY GAS COMPANY)	
)	
DEFENDANT)	

O R D E R

The Commission received letters between February 7, 1994 and February 24, 1994, attached as Appendices A through F, from six transportation customers served by Western Kentucky Gas Company ("Western"). The letters are very similar in content and allege that Western has denied access to its distribution facilities for transporting customer owned gas. Each of these customers has requested the Commission investigate this refusal to allow open access privileges on Western's distribution system.

Commission regulation 807 KAR 5:001, Section 12, attached as Appendix G, prescribes rules for the filing of formal complaints before the Commission. None of the customer letters meet the requirements of the regulation as to form or content. Accordingly, each of the customers should have 20 days from the date of this Order to supplement their initial letters with information conforming to the regulation.

IT IS THEREFORE ORDERED that each of the six customers shall within 20 days of the date of this Order supplement their original letters with information conforming to the requirements of 807 KAR 5:001, Section 12.

Done at Frankfort, Kentucky, this 25th day of February, 1994.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director



The Carbide/Graphite Group, Inc.

P.O. Box 67
Calvert City, Kentucky 42029

Telephone
(502) 385-4143
Facsimile
(502) 385-4152

February 3, 1994

RECEIVED

FEB 07 1994

PUBLIC SERVICE
COMMISSION

Mr. Don Mills
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

Dear Mr. Mills:

We have been notified by Western Kentucky Gas that we will be denied access to their distribution system for the purpose of transporting our gas requirements purchased by our company from a supplier of our choice.

This action taken by Western Kentucky Gas once again demonstrates the disadvantage private enterprise has against the utility regulatory community in Kentucky.

Please accept this letter as our official request to the Public Service Commission to take whatever measures it deems necessary to reverse the action taken by Western Kentucky Gas in denying our company "open-access" privileges on their distribution system.

Respectively,

THE CARBIDE/GRAPHITE GROUP, INC.

Anthony C. Caruthers
Mgr., West Zone Production

RGP:kc

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 94-079 DATED
February 25, 1994.

Corporate Offices



P.O. Box 240
Lawrenceburg, KY 40342
802/839-2200
Telex 810/543-3757
Fax # 802/839-3166 - Main Office
Fax # 802/839-6526 - Sales Dept.

February 7, 1994

RECEIVED

FEB 08 1994

PUBLIC SERVICE
COMMISSION

Mr. Don Mills
Executive Director
Kentucky Public Service Commission
P. O. Box 615
Frankfort, KY 40602

Dear Mr. Mills:

Our company has been notified by Western Kentucky Gas Company that we will be denied access to their distribution system for the purpose of transporting our gas requirements purchased by our company from a supplier of our choice.

This action taken by Western Kentucky Gas Company once again demonstrates the disadvantage private enterprise has against the utility regulatory community in Kentucky.

Please accept this letter as our official request to the Public Service Commission to take whatever measures it deems necessary to reverse the action taken by Western Kentucky Gas in denying our company "open-access" privileges on their distribution system.

Respectively,

A handwritten signature in black ink, appearing to read "Phillip Roddy".

Phillip Roddy
Purchasing Coordinator

PR/cmc



AMERICAN GREETINGS

2801 LEBANON ROAD, DANVILLE, KY 40422-9031
P.O. BOX 209, DANVILLE, KY 40423-0209
808/238-7200 • FAX 808/238-7728
FAX 808/238-2288

February 8, 1994

RECEIVED

FEB 09 1994

Mr. Don Mills
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

PUBLIC SERVICE
COMMISSION

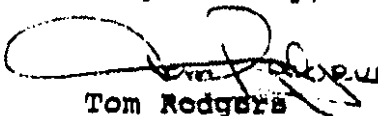
Dear Mr. Mills:

Our company has been notified by Western Kentucky Gas company that we will be denied access to their distribution system for the purpose of transporting our gas requirements purchased by our company from a supplier of our choice.

This action taken by Western Kentucky Gas Company once again demonstrates the disadvantage private enterprise has against the utility regulatory community in Kentucky.

Please accept this letter as our official request to the Public Service Commission to take whatever measures it deems necessary to reverse the action taken by Western Kentucky Gas in denying our company "open-access" privileges on their distribution system.

Respectively,


Tom Rodgers
Plant Engineer
Danville
GASPIPE

cc: J. Harr
M. Neal
R. Ritcheson
P.D. Roller

APPENDIX D

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION
IN CASE NO. 94-079 DATED February 25, 1994.



Tapp Road Harrodsburg, Kentucky 40330 (502) 734-7711

February 10, 1994

RECEIVED

FEB 10 1994

PUBLIC SERVICE
COMMISSION

Mr. Don Mills
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, Kentucky 40602

Dear Mr. Mills:

We have been notified by Western Kentucky Gas Company that we are denied gas transportation access to their system effective February 1, 1994.

We object to such action to the extent that it denies us potential economic benefit and, just as importantly, our right to choose our gas supply source.

We hereby request that the Commission take whatever action necessary to cause Western Kentucky Gas Company to allow our company access to their distribution system for the purpose of transporting our gas requirements.

Sincerely,

SIGNET SYSTEMS INC.

A handwritten signature in black ink, appearing to read "J. A. Lentz".

J. A. Lentz

Manager - Facilities and Process Engineering

JAL:JH

APPENDIX E

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN
CASE NO. 94-079 DATED February 25, 1994.

INTERNATIONAL  PAPER

February 15, 1994

FEB 18 10 04 AM '94

Mr. Don Mills
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

PUBLIC
UTILITY
COMMISSION

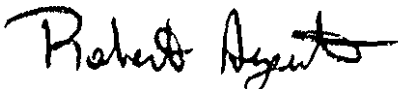
INTERNATIONAL PAPER
6400 POPLAR AVENUE
MEMPHIS, TN 38197
PHONE 901 763-6000

Dear Mr. Mills:

Please accept this letter as our formal complaint against Western Kentucky Gas Company in their decision to deny our company access to their distribution system for the purpose of transporting our natural gas requirements. International Paper owns and operates facilities in Bowling Green, Hopkinsville, and more recently the former Monsanto Plant in Glasgow.

"Open-Access" has allowed us certain economic benefits and freedom of choice of natural gas supply for several years and we ask the commission to intervene to reverse Western Kentucky Gas Company's recent decision to deny by company access to their distribution system for gas transportation purpose.

Respectively,



Robert I. Ayerst, Jr.
Senior Buyer-Energy

CC: Bill West



APPENDIX F

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC
SERVICE COMMISSION IN CASE NO. 94-079 DATED
February 25, 1994.

February 22, 1994

Mr. Don Mills
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RECEIVED

FEB 24 1994

PUBLIC SERVICE
COMMISSION

Dear Mr. Mills:

Our company has been notified by Western Kentucky Gas Company that we will be denied access to their distribution system for the purpose of transporting our gas requirements purchased by our company from a supplier of our choice.

This action taken by Western Kentucky Gas Company once again demonstrates the disadvantage private enterprise has against the utility regulatory community in Kentucky.

Please accept this letter as our official request to the Public Service Commission to take whatever measures it deems necessary to reverse the action taken by Western Kentucky Gas in denying our company "open-access" privileges on their distribution system.

Respectively,

A handwritten signature in dark ink, appearing to read 'H. Logan', written over a horizontal line.

Howard Logan Jr.

APPENDIX G

APPENDIX TO AN ORDER OF THE KENTUCKY
PUBLIC SERVICE COMMISSION IN CASE
NO. 94-079 DATED February 25, 1994

or improvement of facilities set forth in such a manner that an estimate of cost may be made, a statement of the character of the improvement of service proposed, and of the reasons why the service should be maintained from its capital. Whether any contracts have been made for the acquisition of such property, or for such construction, completion, extension or improvement of facilities, or for the disposition of any of the securities, notes, bonds, stocks or other evidence of indebtedness which it proposes to issue or the proceeds thereof and if any contracts have been made, copies thereof shall be annexed to the petition.

(e) If it is proposed to discharge or refund obligations, a statement of the nature and description of such obligations including their par value, the amount for which they were actually sold, the expenses associated therewith, and the application of the proceeds from such sales. If notes are to be refunded, the petition must show the date, amount, time, rate of interest, and payee of each and the purpose for which their proceeds were expended.

(f) Such other facts as may be pertinent to the application.

(2) The following exhibits must be filed with the application:

(a) Financial exhibit (see Section 6 of this regulation).

(b) Copies of trust deeds or mortgages, if any, unless they have already been filed with the commission, in which case reference should be made, by style and case number, to the proceeding in which the trust deeds or mortgages have been filed.

(c) Maps and plans of the proposed property and constructions together with detailed estimates in such form that they can be checked over by the commission's engineering division. Estimates must be arranged according to the uniform system of accounts prescribed by the commission for the various classes of utilities.

Section 12. Formal Complaints. (1) Contents of complaint. Each complaint shall be headed "Before the Public Service Commission," shall set out the names of the complainant and the name of the defendant, and shall state:

(a) The full name and post office address of the complainant.

(b) The full name and post office address of the defendant.

(c) Fully, clearly, and with reasonable certainty, the act or thing done or omitted to

be done, of which complaint is made, with a reference, where practicable, to the law, order, or section, and subsections, of which a violation is claimed, and such other matters, or facts, if any, as may be necessary to acquaint the commission fully with the details of the alleged violation. The complainant shall set forth definitely the exact relief which is desired (see Section 15(1) of this regulation).

(2) Signature. The complaint shall be signed by the complainant or his attorney, if any, and if signed by such attorney, shall show his post office address. Complaints by corporations or associations, or any other organization having the right to file a complaint, must be signed by its attorney and show his post office address. No oral or unsigned complaints will be entertained or acted upon by the commission.

(3) Number of copies required. At the time the complainant files his original complaint, he must also file copies thereof equal in number to ten (10) more than the number of persons or corporations to be served.

(4) Procedure on filing of complaint.

(a) Upon the filing of such complaint, the commission will immediately examine the same to ascertain whether it establishes a prima facie case and conforms to this regulation. If the commission is of the opinion that the complaint does not establish a prima facie case or does not conform to this regulation, it will notify the complainant or his attorney to that effect, and opportunity may be given to amend the complaint within a specified time. If the complaint is not so amended within such time or such extension thereof as the commission, for good cause shown, may grant, it will be dismissed.

(b) If the commission is of the opinion that such complaint, either as originally filed or as amended, does establish a prima facie case and conforms to this regulation, the commission will serve an order upon such corporations or persons complained of under the hand of its secretary and attested by its seal, accompanied by a copy of said complaint, directed to such corporation or person and requiring that the matter complained of be satisfied, or that the complaint be answered in writing within ten (10) days from the date of service of such order, provided that the commission may, in particular cases, require the answer to be filed within a shorter time.

(5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint, he

shall submit to the commission, within the time allowed for satisfaction or answer, a statement of the relief which he is willing to give. Upon the acceptance of this offer by the complainant and the approval of the commission, no further proceedings need be taken.

(6) Answer to complaint. If satisfaction be not made as aforesaid, the corporation or person complained of must file an answer to the complaint, with certificate of service on other parties endorsed thereon, within the time specified in the order or such extension thereof as the commission, for good cause shown, may grant. The answer must contain a specific denial of such material allegations of the complaint as controverted by the defendant and also a statement of any new matter constituting a defense. If the answering party has no information or belief upon the subject sufficient to enable him to answer an allegation of the complaint, he may so state in his answer and place his denial upon that ground (see Section 15(2) of this regulation).

Section 13. Informal Complaints. (1) Informal complaints must be made in writing. Matters thus presented are, if their nature warrants, taken up by correspondence with the utility complained against in an endeavor to bring about satisfaction of the complaint without formal hearing.

(2) No form of informal complaint is prescribed, but in substance it must contain the essential elements of a complaint, including the name and address of complainant, the correct name and post office address of the utility against whom complaint is made, a clear and concise statement of the facts involved, and the relief requested.

(3) In the event of failure to bring about satisfaction of the complaint because of the inability of the parties to agree as to the facts involved, or from other causes, the proceeding is held to be without prejudice to the complainant's right to file and prosecute a formal complaint whereupon the informal proceedings will be discontinued.

Section 14. Deviations from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules.

Section 15. Forms. (1) In all practice before the commission the following forms shall be followed insofar as practicable:

- (a) Formal complaint.
- (b) Answer.
- (c) Application.
- (d) Notice of adjustment of rates.
- (2) Forms of formal complaint.

Before the Public Service Commission

(Insert name of complainant))
)
 COMPLAINANT)
)
 vs.) No. _____
) (To be inserted
) by the secretary)
)
 (Insert name of each defendant))
)
 DEFENDANT)

COMPLAINT

The complaint of (here insert full name of each complainant) respectfully shows:

- (a) That (here state name, occupation and post office address of each complainant).
- (b) That (here insert full name, occupation and post office address of each defendant).
- (c) That (here insert fully and clearly the specific act or thing complained of, such facts as are necessary to give a full understanding of the situation, and the law, order, or rule, and the section or sections thereof, of which a violation is claimed).

WHEREFORE, complainant asks (here state specifically the relief desired).

Dated at _____, Kentucky, this _____ day of _____, 19____.

 (Name of each complainant)

 (Name and address of attorney, if any)

- (3) Form of answer to formal complaint.

Before the Public Service Commission

(Insert name of complainant))
)
 COMPLAINANT)
)
 vs.) No. _____
) (To be inserted
) by the secretary)