

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY-OHIO)
GAS ACQUISITION CORPORATION FOR) CASE NO. 2000-322
APPROVAL OF TRANSFER OF CONTROL)

O R D E R

On June 19, 2000, Kentucky-Ohio Gas Acquisition Corporation ("KOGAC") filed an application pursuant to KRS 278.020(5) to transfer control of the utility. KOGAC is a Delaware corporation authorized to do business in Kentucky and said corporation is in good standing.

The application states that KOGAC will purchase stock from the Estate of H. Peter Meisinger. That transaction will result in the transfer of control to Timothy F. Sutherland, President of KOGAC, by virtue of his ownership of 100 percent of the outstanding shares of KOGAC stock. However, the terms of the stock purchase agreement do not appear in the record, as negotiations of those terms are ongoing.

Pursuant to KRS 278.020(5), the Commission shall approve an application for proposed acquisition within 60 days of the date of filing the application (unless a later date is agreed to with the acquirer) if it finds that such acquisition is in accordance with law, is for a proper purpose, and is consistent with the public interest. Here, the Commission and the acquirer have agreed that the application should be held in abeyance until applicant files the terms of the stock acquisition agreement. It is agreed that the date for the Commission to act upon the application shall be 30 days thereafter.

The Commission, being properly advised, HEREBY ORDERS that:

1. This case shall be held in abeyance pending the filing of the terms of the stock acquisition agreement by the Applicant.

2. If such terms are not submitted on or before November 31, 2000, this case shall be dismissed without prejudice.

Done at Frankfort, Kentucky, this 8th day of August, 2000.

By the Commission

ATTEST:



Executive Director, Acting