

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE FILING BY COLUMBIA GAS OF KENTUCKY, INC.	)	
TO REQUIRE THAT MARKETERS IN THE SMALL	)	
VOLUME GAS TRANSPORTATION PROGRAM BE	)	CASE NO.
REQUIRED TO ACCEPT A MANDATORY ASSIGNMENT	)	2002-00117
OF CAPACITY	)	

ORDER

On March 15, 2002, Columbia Gas of Kentucky, Inc. ( Columbia ) filed proposed revisions to its tariff, to be effective April 15, 2002, that would require all marketers in Columbia s Small Volume Gas Transportation Program, or Customer Choice Program, to accept mandatory assignment of capacity from Columbia. Finding that further proceedings were necessary to determine the reasonableness of the tariff proposal, the Commission, on April 11, 2002, suspended the proposed rate up to and including September 14, 2002. On April 30, 2002, the Commission established a procedural schedule to be followed for the case. On May 15, 2002, Interstate Gas Supply, Inc. ( IGS ) requested approval to intervene in the proceeding, which the Commission granted on May 22, 2002.

The procedural schedule permitted all parties to file direct testimony and issue information requests by certain dates. IGS did not issue a data request, did not file testimony and did not request the Commission to amend the established procedural schedule. On July 29, 2002, IGS filed, without the approval of the Commission, a Protest and Comments. The Commission reviewed the Protest and Comments and

amended the procedural schedule to permit Commission Staff and Columbia an opportunity to issue a data request relating to the information contained therein.

On August 23, 2002, IGS moved the Commission for leave to conduct discovery and requested a hearing in this case. IGS states that it wishes to focus the hearing on the need for Columbia to implement a prospective capacity auditing procedure and it requests that the Commission grant it leave to conduct discovery to prepare for said hearing. In support of its request for discovery, IGS states that it intervened on July 29, 2002 and did not have an opportunity to request information from the other parties. On September 10, 2002, Columbia filed its response in opposition. Columbia states that IGS had sufficient opportunity to conduct discovery and file testimony and that IGS is attempting to expand the scope of the case beyond that proposed by Columbia.

After reviewing IGS's requests and Columbia's opposition thereto, and being otherwise sufficiently advised, the Commission finds that IGS's requests should be denied in part and granted in part.

The Commission notes that IGS was granted intervention on May 22, 2002, only one day before the information request to Columbia was due; however, at no time did IGS seek an amendment to the procedural schedule. The Commission believes there was adequate time between May 22, 2002, the date IGS intervened, and June 18, 2002, the date IGS's testimony was due, for IGS to have requested the Commission to amend the procedural schedule to permit discovery. Therefore, the Commission finds that IGS's request for leave to conduct discovery should be denied.

The Commission finds that IGS s request for a hearing should be granted, but finds that the scope of the hearing should be limited to Columbia s proposal to require mandatory assignment of capacity.

IT IS THEREFORE ORDERED that

1. IGS s request for leave to conduct discovery is denied.
2. IGS s request for a hearing is granted; however, the hearing shall be for the purpose of determining the reasonableness of Columbia s proposed tariff amendment regarding capacity assignment.
3. A public hearing is scheduled in this matter to begin at 9:00 a.m., Eastern Daylight Time, on October 23, 2002, in Hearing Room 1 of the Commission s offices at 211 Sower Boulevard, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 26<sup>th</sup> day of September, 2002.

By the Commission

ATTEST:

  
Executive Director