



financial and operational interests in this proceeding. In Case No. 2007-00419,<sup>1</sup> the Commission found that the Joint Applicants provided sufficient evidence to support their assertion that Cow Creek has the financial, technical, and managerial ability to provide reasonable service to Sigma's customers. The Commission further found that the proposed transfer to Cow Creek was in accordance with the law and for a proper purpose.<sup>2</sup> Cow Creek states that the actions of BTU continue to have a detrimental financial impact on the operations of Cow Creek and that the ongoing alleged statutory violations of BTU in extending its lines and providing service to Cow Creek's customers warrant this proceeding.

We find that Cow Creek should be granted intervention in this case upon the present record. We further find that Cow Creek has demonstrated that this matter should not be dismissed, but should proceed to a decision.

IT IS THEREFORE ORDERED that:

1. Cow Creek is granted full intervention in this matter as the successor-in-interest of Sigma.
2. Cow Creek shall replace Sigma and assume the existing record of this case.
3. This case shall proceed on the existing record and is now submitted to the Commission for a decision.

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<sup>1</sup> Case No. 2007-00419, Application of DLR Enterprises, Inc. and Cow Creek Gas, Inc. for Approval of the Transfer of Certain Assets Formerly Owned and Controlled by Sigma Gas Company (Ky. PSC Nov. 21, 2007).

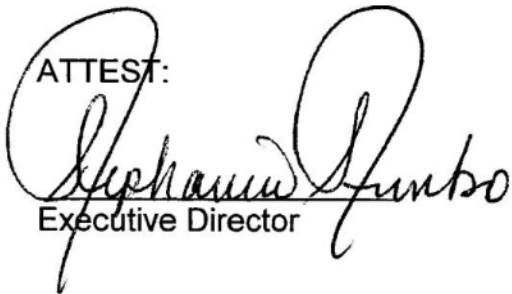
<sup>2</sup> Cow Creek has filed the required notice adopting Sigma's tariff effective January 12, 2008.

Done at Frankfort, Kentucky, this 15<sup>th</sup> day of May, 2008.

By the Commission

Commissioner Clark Abstains.

ATTEST:

  
Executive Director