

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

Application of Atmos Energy Corporation)
for an Adjustment of Rates) Case No. 2015-00343
and Tariff Modifications)

RESPONSE TO ATTORNEY GENERAL

Atmos Energy Corporation (Atmos Energy), by counsel, submits its response to the Attorney General. The purpose of the notice is to provide customers sufficient information to determine the nature and amount of the impact of proposed rates on their monthly utility bill. In this case notice was provided, but an adjustment related to a specific tariff provision for recovery of a R&D expense was omitted. That adjustment amounts to **\$0.84 per year** for an average residential customer. Notice of the tariff change was included in the notice, only the calculation of the additional \$0.84 was omitted. With the average monthly residential bill being approximately \$52.00, it is difficult to believe that \$0.07 per month would affect a customer's decision to intervene or otherwise protest the rate application. This minor omission hardly necessitates the cost of \$107, 371.21 for republication. (Copy of the invoice attached)

The Attorney General has intervened on behalf of the residential customers. As a general proposition, those individual customers are not allowed to intervene unless there is a special interest not represented by the Attorney General. The discrepancy in the actual and noticed rates does not afford any individual an additional basis to attempt to intervene or create any special situation that would substantiate intervention. Thus, republishing the notice serves no purpose as

far as the opportunity to seek intervention by individual customers.

The Attorney General's suggestion to republish using email addresses undermines his argument for republication. Not all customers have email and Atmos does not have the email address for all of those that do. Any effort to notify by that method would fall short of covering all customers. That limited notice would itself require a deviation from the regulation. If the Attorney General believes such partial notice is adequate, surely the previously published notice to all customers, albeit with a minor error, should be sufficient.

As the Kentucky Supreme Court has said: "Substantial compliance in regard to publication requirements has been authorized. The purpose of the statute is to allow the public an ample opportunity to become sufficiently informed on the public question involved." Conrad v. Lexington-Fayette Urban County Government, 659 S.W.2d 190, 195 (Ky. 1983).

Atmos Energy believes that it has substantially complied with the substantive requirements of the regulations moves for an order finding good cause for the deviations, that the published notice be accepted, that the application be deemed in substantial compliance with all filing requirements and that the case be docketed for review.

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