

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matters of:

ELECTRONIC APPLICATION OF ATMOS)
ENERGY CORPORATION FOR AN ADJUSTMENT) CASE No.
OF RATES AND TARIFF MODIFICATIONS) 2017-00349

**ATTORNEY GENERAL'S MEMORANDUM IN SUPPORT OF MOTION TO LATE-
FILE HIS POST-HEARING BRIEF**

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and hereby tenders the following Memorandum in Support of his Motion for Leave to Late-File his Post-Hearing Brief in the above-styled matter. In support of this motion, the Attorney General states as follows.

Briefs filed in conclusion of a base rate case such as the instant one constitute a legal statement based on all issues presented in what should be a completed record. Many issues in a base rate proceeding are connected to each other and need to be considered as a whole, especially as they relate to revenue requirements. For an intervenor such as the Attorney General, the post-hearing brief is his first opportunity to take a position on the record as a whole. Intervenor briefs should not have to be provided on a piecemeal basis, because requiring such an approach would deprive the intervenor of an adequate and complete opportunity to be heard, which is a Constitutional Due Process issue. However, it has now become obvious that the record in this matter is, in fact, not complete, as Staff has advised it will be issuing a third set of post-hearing data requests to Atmos.

The Attorney General has not yet seen the supplemental post-hearing data requests Staff apparently intends to issue to Atmos, and has no intention to change his brief once Atmos files its responses, except to the extent that those responses may modify or change the

record as it exists today. As a matter of simple due process, the Attorney General is entitled to address the issues set forth in the record in their entirety. Not allowing the Attorney General to do so is a manifest injustice to the consumers whose interests he is statutorily charged with representing.

Furthermore, if the Commission requires him to file a brief in a piecemeal fashion, this would effectively send a message that utilities can run out the clock in responding to post-hearing data requests, which deprives other parties from asserting positions based on the record in its entirety. The Attorney General is not attempting to arbitrarily withhold or delay a final disposition in this matter. In fact, it is Atmos' apparent inability to provide adequate responses that is causing delay. The Attorney General believes that the sooner a final order is issued, the sooner ratepayers can get relief. Atmos' apparent unwillingness to respond in adequate manner and to drag out the handling of this case represents a due process issue for ratepayers. Atmos' customers deserve better.

WHEREFORE, the Attorney General respectfully requests that the Commission grant his motion.

Respectfully submitted,

ANDY BESHEAR
ATTORNEY GENERAL



REBECCA W. GOODMAN
LAWRENCE W. COOK
KENT A. CHANDLER
JUSTIN M. MCNEIL
ASSISTANT ATTORNEYS GENERAL
700 CAPITAL AVE., SUITE 20
FRANKFORT KY 40601-8204

(502) 696-5453
Kent.Chandler@ky.gov
Rebecca.Goodman@ky.gov
Justin.McNeil@ky.gov
Larry.Cook@ky.gov

Certificate of Service and Filing

Counsel certifies that the foregoing is a true and accurate copy of the same document being filed in paper medium with the Commission within two business days; that the electronic filing has been transmitted to the Commission on April 17, 2018; that there are currently no parties that the Commission has excused from participation by electronic means in these proceedings.

This 17th day of April, 2018.



Assistant Attorney General