

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

APPLICATION OF ATMOS ENERGY  
CORPORATION, OWENSBORO  
KENTUCKY FOR A CERTIFICATE OF PUBLIC  
CONVENIENCE AND NECESSITY  
AUTHORIZING IT TO BID ON A FRANCHISE  
ESTABLISHED BY THE CITY OF FRANKLIN,  
KENTUCKY

CASE  
NO. \_2022-00006

**APPLICATION**

1

Applicant, Atmos Energy Corporation is a Virginia and Texas corporation (“Atmos Energy” or “Company”), a corporation duly qualified under the laws of the Commonwealth of Kentucky to carry on its business in the Commonwealth.

The Company is an operating public utility engaged in the business of supplying natural gas to the public in numerous cities, towns, and communities in Western and South Central Kentucky.

2

Atmos Energy’s’ Articles of Incorporation, together with all amendments thereto, are on file with the Commission in Case No. 2021-0014. There have been no changes to the Articles of Incorporation since they were filed with the Commission in Case No. 2021-0014.

3.

The Company’s principal operating office and place of business in Kentucky is 3275 Highland Pointe Drive, Owensboro, Kentucky 42303. The post office

address of Company is PO Box 650205, Dallas, Texas 26265-0205.

4

The City of Franklin (sometimes hereinafter called the "City") is a municipal corporation situated in Simpson County, Kentucky and is in an area presently served by Company. The Company has been the owner of a franchise operation of the natural gas system within the City immediately prior to the sale of a new franchise. Applicant currently serves the City by and through a natural gas distribution system owned by the Applicant.

4

The City Commission of the City has established a natural gas franchise for the City and has directed that bids for the sale thereof be received on or before February 4, 2022. A copy of the Ordinance establishing such franchise, directing its sale, and setting forth the type and provisions of such franchise is filed herewith as a part hereof. A copy of the public notice advertising the request for bids is also attached.

There is a demand and need for continued natural gas service for the City.

WHEREFORE, Company respectfully requests the Commission to enter a certificate of public convenience and necessity authorizing it to bid on the aforesaid natural gas franchise and, if it is awarded such franchise, to operate the natural gas distribution system pursuant to such franchise.

Respectfully submitted,



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Mark R. Hutchinson  
611 Frederica Street  
Owensboro, Kentucky 42301

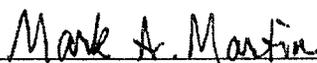
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COMMONWEALTH OF KENTUCKY)  
COUNTY OF DAVIESS )

The undersigned Affiant, Mark A. Martin, being first duly sworn, deposes and says that he is Vice President Public Affairs of Atmos Energy Corporation, Kentucky/Mid-States Division having its principal office in Owensboro, Kentucky, which is the Applicant in this proceeding; that he has read the foregoing application and knows the contents thereof; that the same is true of his own knowledge, except as to the matters which are therein stated on information or belief, and that as to those matters he believes them to be true; and that he is duly authorized to sign, execute, verify and file the foregoing application on behalf of Applicant.

  
\_\_\_\_\_  
Mark A. Martin

SUBSCRIBED AND SWORN to before me by Mark A. Martin as Vice President Rates Public Affairs of Atmos Energy Corporation, Kentucky/Mid-States Division, on this the 3<sup>rd</sup> day of January, 2022.

  
\_\_\_\_\_  
Notary Public  
Notary ID: KYNP24768  
My Commission Expires: 4/28/2025

## ORDINANCE NO. 2021-016

### ORDINANCE CREATING AND AUTHORIZING SALE OF GAS FRANCHISE

AN ORDINANCE OF THE CITY OF FRANKLIN, KENTUCKY PROVIDING FOR THE CREATION AND SALE OF A NON-EXCLUSIVE FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT-OF-WAY WITHIN THE CITY OF FRANKLIN, KENTUCKY FOR A TERM OF TWENTY (20) YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO A MINIMUM OF ONE PERCENT (1%) OF THE GROSS REVENUES DERIVED FROM THE FRANCHISE AWARDED HEREIN; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER

WHEREAS, the existing natural gas franchise agreement between the City of Franklin, Kentucky, Atmos Energy Corporation (“Atmos”) and/or Millennium Energy, Incorporated (“MEI”) expires on or about midnight on November 15, 2021; and,

WHEREAS, Sections 163 and 164 of the Kentucky Constitution and Chapter 96 of the Kentucky Revised Statutes authorize cities to require public utilities to operate under franchise agreements and to grant utilities the right to use public right-of-way on such terms and conditions as are deemed reasonable and necessary; and,

WHEREAS, the Board of Commissioners has found and determined that the construction, operation, maintenance and use of a natural gas franchise over, across or under public rights-of-way in the City benefits the utility and the customers it serves and the Board has further found and determined that the construction, installation, removal, maintenance and/or repair of utility-owned facilities and other infrastructure does periodic and unavoidable disturbance that gradually results in the degradation of the City’s streets and sidewalks for which the City is



Favorite!

U & M PERSON

1000 1/2 W. Main  
Creston, IA 50521

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CITY OF FRANKLIN

NOTICE OF SALE OF GAS

Notice is hereby given that the City of Franklin, Kentucky, will on 10/20 September 17, 2021, at 10:00 AM, sell to the highest bidder, located at 117 West Cedar Street, Franklin, Kentucky, consider of the bid for the highest and best bid for the sale of the following real estate, to-wit: a 6.8 acre parcel of land, more or less, as shown on the plat of subdivision as defined in Ordinance No. 2021-018, as amended, and as shown on the plat of subdivision as defined in Ordinance No. 2021-018, as amended, by a Deed of Conveyance, recorded in the Public Records of the County of Franklin, Kentucky, on August 18, 2021, in Book 2021-018, Page 018. The bid for the sale of the real estate shall be received by the City Clerk at the City Clerk's Office, located at 117 West Cedar Street, Franklin, Kentucky, on or before 5:00 PM, Monday through Friday, September 13, 2021.

ORDINANCE NO. 2021-018, AS AMENDED, OF THE CITY OF FRANKLIN, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF PORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER THE HIGHWAY OF WITHIN THE CITY OF FRANKLIN, KENTUCKY, FOR A TERM OF TWENTY (20) YEARS IN THE SUCCESSFUL FRANCHISE. CHISEE SHALL PAY TO THE CITY AN ANNUAL \$1M EQUAL PERCENTAGE OF THE NET REVENUES AND PROFITS ESTABLISHING A 50/50 SPLIT FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDERS. Sealed bids are to be delivered to the City Clerk at 117 West Cedar Street, P. O. Box 2000, Franklin, Kentucky, to be publicly opened and read at 10:00 AM, CST on September 17, 2021. The City of Franklin reserves the right to accept any bid, to reject any bid, to waive any irregularities or to make any contract in the opinion of the City Clerk, and to be held responsible therefor.