

The Law Offices of

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March 6, 2023

Linda Bridwell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

VIA EMAIL TO [PSCED@KY.GOV](mailto:PSCED@KY.GOV)

Re: Application for a Certificate of Public Convenience and Necessity To Bid on Franchise For City of Burgin; PSC Case #2023-00081

Dear Ms. Bridwell:

Enclosed please find Atmos Energy Corporation's Application for a Certificate of Public Convenience and Necessity case to bid on a franchise for the city of Burgin, Kentucky. Should you have any questions, please feel free to contact me at your convenience.

Very truly yours,



Mark R. Hutchinson

MRH/dgp  
Enclosure

cc: Mr. Mark Martin  
Hon. Jack Hughes

**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 BURGIN,  
KENTUCKY

CASE  
NO. 2023-00081

**APPLICATION**

1

Applicant, Atmos Energy Corporation is a Virginia and Texas corporation ("Atmos Energy" or "Company"), 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. 2021-00214. There have been no changes to the Articles of Incorporation since they were filed with the Commission in Case No. 2021-00214. Atmos Energy was incorporated in Texas on February 6, 1981 and Virginia on July 21, 1997. It is in good standing to

1

operate in Kentucky and is in good standing to operate in all states of incorporation.

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. Correspondence and communications with respect to this Application should be directed to:

Mark A. Martin  
Vice President, Public Affairs  
Atmos Energy Corporation  
3275 Highland Pointe Drive  
Owensboro, Kentucky 42303  
[Mark.Martin@atmosenergy.com](mailto:Mark.Martin@atmosenergy.com)

Mark R. Hutchinson  
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The City of Burgin (sometimes hereinafter called the "City") is a municipal corporation situated in Mercer 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.

The City Commission of the City has directed that bids for the sale of a natural gas franchise be received on or before 4:00 p.m., on April 11, 2023. A copy of the public notice advertising the request for bids is 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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270-926-9394 (fax)

[randy@whplawfirm.com](mailto:randy@whplawfirm.com)

Attorney for Applicant

John N. Hughes

124 W. Todd Street

Frankfort, Kentucky 40601

No Fax

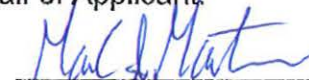
(502)227-7270

[inhughes@johnhughespsc.com](mailto:inhughes@johnhughespsc.com)

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 Public Affairs of Atmos Energy Corporation, Kentucky/Mid-States Division, on this the 6<sup>th</sup> day of March, 2023.



Notary Public

Notary ID: KYNP 41529

My Commission Expires: 12/8/2025



## **NOTICE OF SALE OF GAS FRANCHISE**

**NOTICE IS HEREBY GIVEN** that the City of Burgin, Kentucky, will on April 11, 2023 4:00 p.m. at City Hall, Burgin, Kentucky, consider offers for sale to the highest and best bidder. The agreement containing the terms of the franchise, is available for inspection in the Office of the City Clerk, City Hall, Burgin, Kentucky between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

**A FRANCHISE AGREEMENT OF THE CITY OF BURGIN, KENTUCKY, PROVIDING FOR THE CREATION AND SALE OF A FRANCHISE FOR THE PRIVILEGE OF CONSTRUCTING, TRANSPORTING, OPERATING, MAINTAINING AND DISTRIBUTING NATURAL GAS ALONG AND UNDER PUBLIC RIGHT OF WAY WITHIN THE CITY OF BURGIN, KENTUCKY, FOR A TERM OF 20 YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO ONE PERCENT (1%) OF ITS REVENUES; AND FURTHER ESTABLISHING A BID PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER.**

**Sealed Bids are to be delivered to 117 S Maple St; P O Box 323 Burgin, Kentucky, to be publicly opened and read on April 11, 2023 at the monthly council meeting.**

**The City of Burgin reserves the right to accept any bid, to reject any and all bids, to waive any irregularities or informalities in awarding the franchise and to accept what, in its opinion, is the best responsive and responsible bid.**

City Sheriff's Office (SO) or Harrodsburg Police Department (HPD). Information is drawn from police reports and records at Boyle County Detention Center (BCDC). We with information on still under investigation is urged to contact the department at 734- Unless otherwise

**Crimes:**

**Wednesday, Feb. 22**  
Michael Ray Cavanah, 36, of Danville, was arrested and charged with public intoxication on a controlled substance, excludes alcohol, and 2nd degree burglary. Cavanah was also served with two warrants for failure to appear. Arrest: Patrolman

**Friday, Feb. 24**  
Roy C. Miller Jr., 44, of Harrodsburg, was taken into custody and served with a warrant for probation violation for a technical violation. Arrest: Kentucky Probation and Parole. Miller was released without bond.  
**Saturday, Feb. 25**  
Patrick Smith, 24, of

Brandon. served with warrants for 2nd degree possession of an unspecified drug, three counts of contempt of court—including two counts from Boyle County—and promoting contraband. Arrest: Mercer County Sheriff's Office. Bond: \$5,000.

Brandon.

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Photo Submitted

**New HPD Chief Tim Hurt Sworn In**

Timothy Hurt, left, was sworn in as Harrodsburg's newest police chief by Judge Patrick Barsotti, right, Friday, Feb. 24. Hurt joined the Harrodsburg Police Department as the assistant police chief in 1999. Before that, he served as a law enforcement training instructor at the Kentucky Department of Criminal Justice Training for nine years. Hurt was appointed Interim police chief on Jan. 23, after the surprise departure of Chief Brian Allen.