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July 5, 2023

Linda C. Bridwell
PSC Executive Director
Public Service Commission
211 Sower Blvd.
Frankfort, KY 40601

Re: Case No. 2023-00195

Dear Ms. Bridwell:

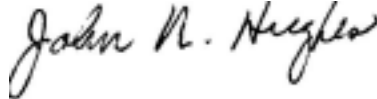
Atmos Energy Corporation submits its Motion to Intervene. I certify that the electronic documents are true and correct copies of the original documents.

If you have any questions about this filing, please contact me.

Submitted By:

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And



John N. Hughes

Attorneys for Atmos Energy Corporation

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

Electronic Application of Pennyrile Regional)	
Energy Agency for a Declaratory Order)	Case No. 2023-00195
Regarding the Jurisdiction of the Public)	
Service Commission)	

MOTION FOR INTERVENTION BY ATMOS ENERGY CORPORATION

Atmos Energy Corporation ("Atmos Energy" or "Company"), by counsel, moves for intervention in this matter pursuant to 807 KAR 5:001 § 4(11).

1. Atmos Energy Corporation is a Virginia and Texas corporation ("Atmos Energy" or "Company"), 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 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 operate in Kentucky and is in good standing to operate in all states of incorporation. Attached is certification of Good Standing from the Kentucky Secretary of State.

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

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

Brannon Taylor
Vice President, Rates and Regulatory Affairs
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I. Motion for Intervention

Pursuant to 807 KAR 5:001 Section 4(11):

(a) A person who wishes to become a party to a case before the commission may, by timely motion, request leave to intervene.

I. The motion shall include the movant's full name, mailing address, and electronic mail address and shall state his or her interest in the case and how intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

(b) The commission shall grant a person leave to intervene if the commission finds that he or she has made a timely motion for intervention and that he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.

These standards require that a person moving for intervention in a proceeding must establish either “a special interest in the case that is not otherwise adequately represented” or that “intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting proceedings.” By the clear language of the rule, if either of these factors is established, such satisfaction alone is sufficient to require the Commission to grant the intervention request and no other burdens are placed upon a potential intervening party by rule or regulation. Thus, the Commission may grant a motion to intervene if only one of the legal standards is satisfied.¹

A. Atmos Energy has a special interest.

Atmos Energy is a natural gas utility regulated by this Commission. It has been granted authority to construct and operate gas facilities in 37 counties in Kentucky, including the counties of Todd, Christian, Trigg, Caldwell, and Lyon County, which are the counties to which the Pennyriple Regional Energy Agency (“PREA”) is proposing to provide natural gas service. The Commission’s map of Natural Gas Distribution Service Areas, attached hereto as Exhibit “A,” demonstrates that these counties, as well as the area generally described as the “Pennyriple Region,” fall within Atmos Energy’s service territory.

¹ *Electronic 2018 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company* Case No. 2018-00348 Sept 19, 2019, p. 7.

The proposed operation of PREA in the area served by Atmos Energy could have a direct impact on Atmos Energy's future expansion and ability to operate in that area, which has the potential to negatively impact Atmos Energy's customers. Atmos Energy has significant natural gas facilities in the area and provides service to numerous customers. The Commission's authority to determine the need for new facilities and whether there is a wasteful duplication of existing facilities directly affects Atmos Energy and its customers, and Atmos Energy is uniquely situated to have information that would be helpful to the Commission on these issues. The rights and rules to be determined in this case may have a direct adverse effect on Atmos Energy's rights and obligation to provide reasonable and adequate service. This interest in the outcome of this case is specific to Atmos Energy and potentially affects its future service and the Commission's regulatory oversight in the designated area.

In prior dockets, the Commission has allowed intervention by parties that have special interests related to their status or to the impact of the issues on their customers.² Just as intervention was appropriate and consistent with the public interest in those dockets, it is appropriate for Atmos Energy in this docket as well.

B. Atmos Energy will develop facts that assist the Commission.

Atmos Energy has the experience and expertise to inform the Commission of factual and legal issues pertinent to the Application. The Commission has an interest in making decisions on applications such as this "to avoid wasteful duplication of distribution facilities, to avoid unnecessary encumbering of the landscape of the Commonwealth of Kentucky, to prevent the waste of materials and natural resources, for the public convenience and necessity and to

² See, e.g., *Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates, A Certificate of Public Convenience and Necessity, Approval of Ownership of Gas Service Lines and Risers, And A Gas Line Surcharge*. Case No. 2012-00222, Final Order Dated December 20, 2012, and *Electronic 2021 Integrated Resource Plan Of Duke Energy Kentucky, Inc.* Case No. 2021-00245 Order Dated September 24, 2021.

minimize disputes between retail . . . suppliers which may result in inconvenience, diminished efficiency and higher costs in serving the consumer.”³ Because Atmos Energy is operating facilities in the area identified by PREA under the regulatory authority of this Commission, it can provide information about existing facilities, demand and need for additional facilities, and other information related to PREA’s proposal in a manner that will be helpful to the Commission in determining whether the relief requested is in the public interest. The Commission’s consideration of the unique legal issues in this case will involve a consideration of whether avoiding possible wasteful duplication weighs in favor of asserting jurisdiction over PREA for approval of the need for and siting of the proposed facilities, and Kentucky law supports the Commission’s assertion of that jurisdiction.⁴ These issues directly impact Atmos Energy and its customers. Atmos Energy can provide relevant, detailed information about the need for and demand for new facilities in the area.

C. No other party can represent Atmos Energy

Atmos Energy and its customers are most directly affected by PREA’s application, and there are no other potential parties to this matter that have the knowledge and perspective of Atmos Energy. No other party has specific knowledge of the facilities in the area, the customer

³ KRS 278.016 (stating the public policy reasons for dividing the Commonwealth into geographic service areas for retail electric service).

⁴ “No person, partnership, public or private corporation, or combination thereof shall commence providing utility service to or for the public or begin the construction of any plant, equipment, property, or facility for furnishing to the public any of the services enumerated in KRS 278.010 . . . until that person has obtained from the Public Service Commission a certificate that public convenience and necessity require the service or construction.” KRS 278.020(1)(a) (where “person” is defined in KRS 278.010 as “includ[ing] natural persons, partnerships, corporations, and two (2) or more persons having a joint or common interest”). *See also* KRS 278.020(5), which states that “No individual, group, syndicate, general or limited partnership, association, corporation, joint stock company, trust, or **other entity** (an “acquirer”), whether or not organized under the laws of this state, shall **acquire control**, either directly or indirectly, of any utility furnishing utility service in this state, **without having first obtained the approval of the commission**” (emphasis added).

base, and the potential impact of the PREA proposal on the area. Therefore, no other potential party can represent Atmos Energy's interest in this matter.

D. Atmos Energy's Intervention will not delay or disrupt the proceedings.

Granting intervention to Atmos Energy will not unduly disrupt or complicate this proceeding. Atmos Energy is committed to complying with all orders of the Commission, including all scheduling deadlines. Rather than delay the proceedings, Atmos Energy's experience, knowledge of the area and of the natural gas facilities in the area, and information from a party with industry knowledge and expertise will facilitate the Commission's development of all necessary facts and consideration of all relevant issues in a timely manner.

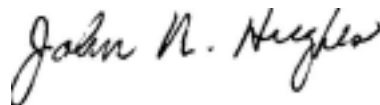
E. Atmos Energy's Motion is timely.

PREA filed its application on June 19, 2023. Atmos filed this motion on July 5, 2023, which falls within the applicable "timely" limit for intervention.

For these reasons, Atmos Energy moves for full intervention in this matter.

Submitted by:

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Attorneys for Atmos Energy Corporation

Certification:

I certify that the Motion and Response have been electronically filed into the Commission's docket on July 5, 2023, and that no party has been excused from electronic service.

John N. Hynes

Commonwealth of Kentucky
Michael G. Adams, Secretary of State

Michael G. Adams
Secretary of State
P. O. Box 718
Frankfort, KY 40602-0718
(502) 564-3490
<http://www.sos.ky.gov>

Certificate of Authorization

Authentication number: 293556

Visit <https://web.sos.ky.gov/ftshow/certvalidate.aspx> to authenticate this certificate.

I, Michael G. Adams, Secretary of State of the Commonwealth of Kentucky, do hereby certify that according to the records in the Office of the Secretary of State,

ATMOS ENERGY CORPORATION

, a corporation organized under the laws of the state of Texas, is authorized to transact business in the Commonwealth of Kentucky, and received the authority to transact business in Kentucky on December 14, 1987.

I further certify that all fees and penalties owed to the Secretary of State have been paid; that an application for certificate of withdrawal has not been filed; and that the most recent annual report required by KRS 14A.6-010 has been delivered to the Secretary of State.

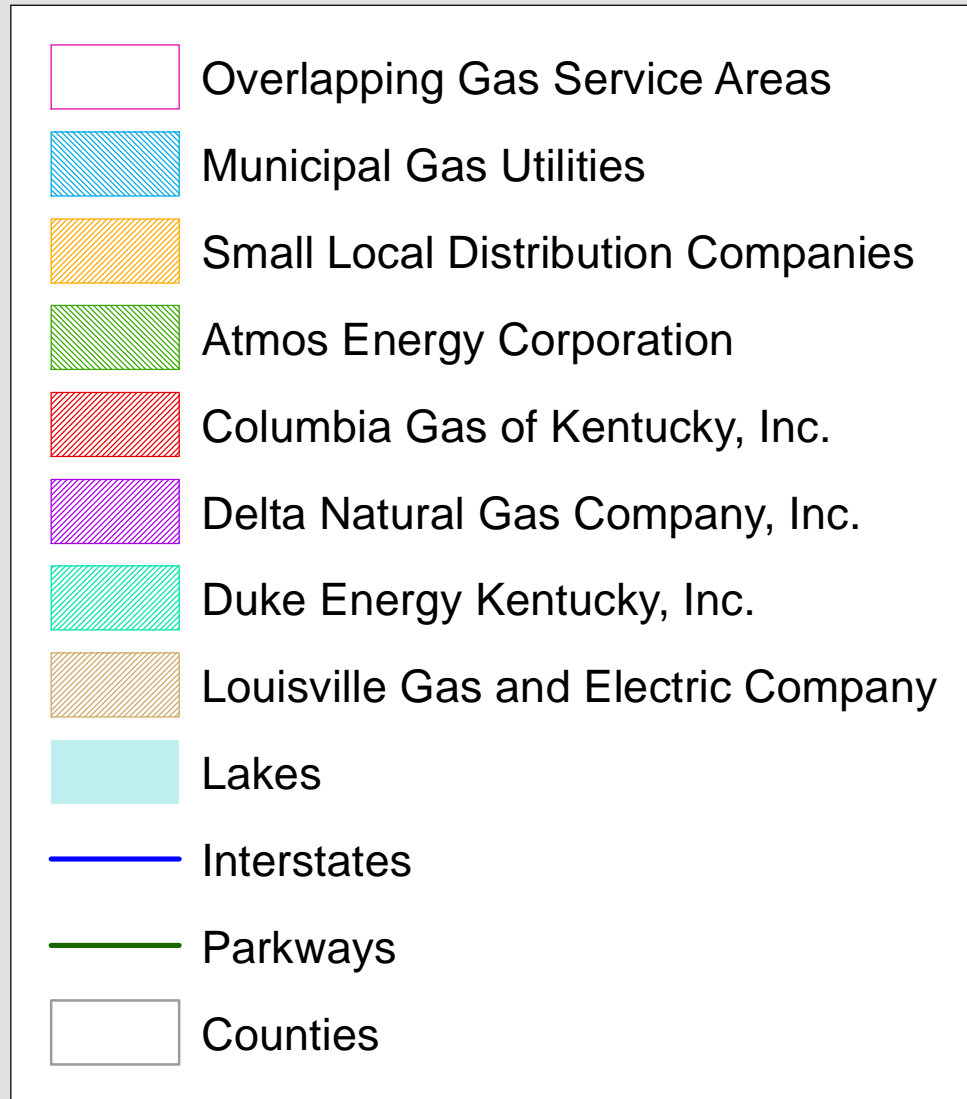
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal at Frankfort, Kentucky, this 3rd day of July, 2023, in the 232nd year of the Commonwealth.



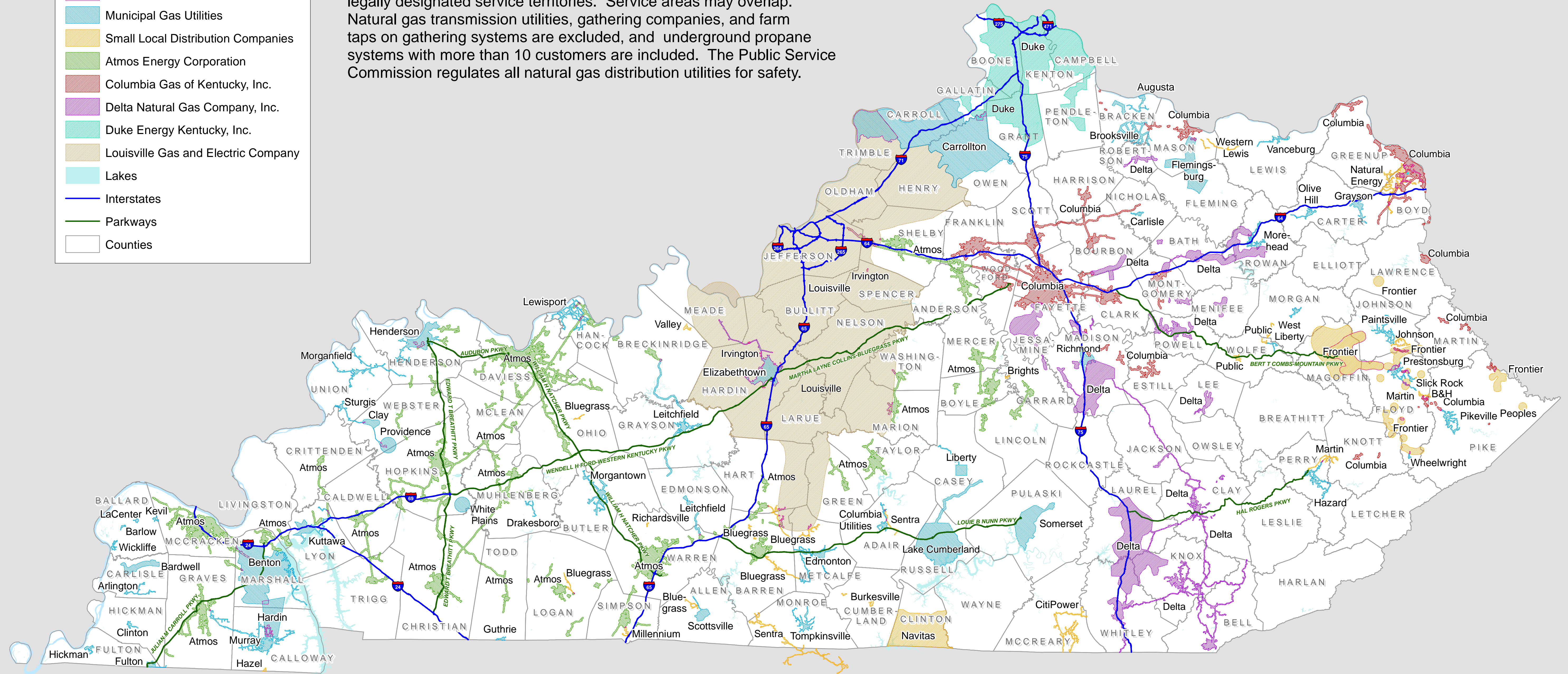
Michael G. Adams

Michael G. Adams
Secretary of State
Commonwealth of Kentucky
293556/0237484

Natural Gas Distribution Service Areas



Gas distribution service areas do not have legal boundaries, or legally designated service territories. Service areas may overlap. Natural gas transmission utilities, gathering companies, and farm taps on gathering systems are excluded, and underground propane systems with more than 10 customers are included. The Public Service Commission regulates all natural gas distribution utilities for safety.



Gas distribution utility data was compiled by the Kentucky Public Service Commission (PSC). All information within the product is believed accurate but is not guaranteed without error. While attempts have been made to insure the correctness of the information presented, neither the Kentucky Public Service Commission nor any party involved in the creation and compilation of the data guarantees their accuracy, completeness, or suitability for a particular use. All critical information should be independently verified.

