

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

**In the Matter of:**

**ELECTRONIC TARIFF FILING OF VALLEY )  
GAS, INC. OF AN AMENDMENT TO A ) CASE NO. 2023-00402  
SPECIAL CONTRACT WITH MAGO )  
CONSTRUCTION COMPANY )**

**MOTION TO WITHDRAW AMENDMENT NO. 1 TO AGREEMENT  
AND NOTICE OF FILING OF AMENDMENT NO. 2 TO AGREEMENT**

Valley Gas, Inc. (“Valley Gas”) moves to withdraw “Amendment No. 1 to Mago Agreement” (“Amendment No. 1”) and gives notice of its filing of “Amendment No. 2 to Mago Agreement” (“Amendment No. 2”).

In its support of its Motion to Withdraw, Valley Gas states:

1. In its Order of October 28, 2014 in Case No. 2014-00368, the Commission approved an agreement between Valley Gas and Mago Construction Company LLC (“Mago Construction”) addressing the provision of natural gas service to Mago Construction.
2. This contract did not address the costs related to the construction, operation, testing, and maintenance of the pressure regulation and metering equipment necessary to provide service to Mago Construction, such costs being unique to the provision of service to Mago Construction as it was the only industrial customer that Valley Gas served.
3. Valley Gas and Mago Construction subsequently agreed that Valley Gas should assess, and Mago Construction should pay, a monthly meter charge of \$489.00 to recover these costs but did not memorialize their agreement in writing.

4. During the course of Case No. 2022-00315, Commission Staff informed Valley Gas's president that KRS 278.160 required that the agreement for such meter charge should be in writing and filed with the Commission.

5. On May 17, 2023, Valley Gas and Mago Construction executed "Amendment No. 1 to Mago Agreement" ("Amendment No. 1"), which they intended to reflect the substance of their longstanding agreement.

6. On November 15, 2023, pursuant to KRS 278.180, Valley Gas filed Amendment No. 1 with the Commission.

7. On December 8, 2023, the Commission suspended the operation of Amendment No. 1 and initiated this proceeding to investigate the reasonableness of Amendment No. 1.

8. During the course of this proceeding, Valley Gas and Mago Construction determined that Amendment No. 1 did not reflect their intent and executed Amendment No. 2, which does reflect the substance of Valley Gas and Mago Construction's longstanding agreement.

9. Valley Gas wishes to withdraw Amendment No. 1 and to substitute Amendment No. 2 in its place.

10. Simultaneously with the filing of this Motion, Valley Gas has, pursuant to KRS 278.180 and 807 KAR 5:011, Section 13, filed Amendment No. 2 with the Commission.<sup>1</sup> Amendment No. 2 takes effect thirty (30) days from the date of its filing or, if the Commission suspends its operation for further review, upon the issuance of an Order from the Commission approving it, whichever comes later.

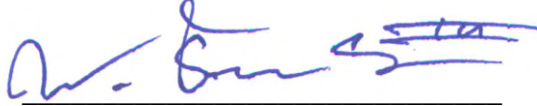
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<sup>1</sup> TFS 2024-00078 (Ky. PSC filed Feb. 26, 2024).

WHEREFORE, Valley Gas requests leave to withdraw Amendment No. 1.

Dated: February 26, 2024

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on February 26, 2024; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.



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W. Duncan Crosby III