

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

ELECTRONIC APPLICATION OF ATMOS)	
ENERGY CORPORATION FOR A CERTIFICATE)	CASE NO.
OF PUBLIC CONVENIENCE AND NECESSITY)	2024-00339
TO BID ON A FRANCHISE TO SERVE THE CITY)	
OF EDDYVILLE, KENTUCKY)	

APPLICATION

Comes now, Atmos Energy Corporation (“Atmos Energy or “Company”) by counsel, pursuant to KRS 278.020(4), 807 KAR 5:001, Section 15(1), 807 KAR 5:001 Section 14 and other applicable law, and tenders hereby its application for a certificate of public convenience and necessity to apply for and obtain a franchise from the city of Eddyville, in Lyon County, Kentucky (“Eddyville”), to provide natural gas transmission and distribution services, respectfully states as follows:

1. Atmos Energy is a Virginia and Texas 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. 2021-00214. 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 as Exhibit A is a 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 Company is PO Box 650205, Dallas, Texas 26265-0205.

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

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4. Eddyville is a municipal corporation situated in Lyon County, Kentucky and is in an area presently served by the Company. The Company has been the owner of a franchise operation of the natural gas system within Eddyville immediately prior to the sale of a new franchise. Atmos Energy currently serves Eddyville by and through a natural gas distribution system owned by Atmos Energy.

5. The Eddyville City Council has passed an Ordinance setting forth the

terms and requirements for a new natural gas franchise. A copy of the Ordinance is attached as Exhibit B. Eddyville has directed that bids for the sale of a natural gas franchise be received on or before October 30, 2024. A copy of the Legal Notice that has been purchased to be published by Eddyville in *The Herald Ledger* regarding said new franchise is attached as Exhibit C. In order to give the Commission the most time to prove this application, Atmos files this application with the exhibits attached and Atmos will supplement this filing with the affidavit of publication when it is received because the newspaper only runs weekly and the bid deadline of October 30, 2024 leaves the Commission little time to consider the application.

6. As evidenced by the attached Ordinance, there is and will continue to be, a demand and need for continued natural gas service for Eddyville.

WHEREFORE, Atmos Energy respectfully requests the Commission to enter a certificate of public convenience and necessity authorizing it to bid on the aforesaid natural gas franchise for Eddyville and, if it is awarded such franchise, to operate the natural gas distribution system pursuant to such franchise. Upon obtaining a franchise from the City, the Company will file a true and correct copy of same with the Commission.

Respectfully submitted,

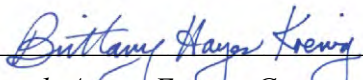


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Counsel for Atmos Energy Corporation

CERTIFICATE OF SERVICE

A true and accurate copy of the foregoing was filed electronically with the Commission on October 22, 2024 and there are no parties that have been excused from participating electronically. Pursuant to prior Commission orders, no paper copies of this filing will be made.



Counsel, Atmos Energy Corporation

EXHIBIT A

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: 305963

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 27th day of February, 2024, in the 232nd year of the Commonwealth.



Michael G. Adams

Michael G. Adams
Secretary of State
Commonwealth of Kentucky
305963/0237484

EXHIBIT B

EXHIBIT B

ORDINANCE 2024-09-09

AN ORDINANCE OF THE CITY OF EDDYVILLE, 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 EDDYVILLE, KENTUCKY, FOR A TERM OF TEN(10) 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.

WHEREAS, the existing natural gas franchise agreement between the City of Eddyville, Kentucky and Atmos Energy Corporation expires on October 6, 2024; and,

WHEREAS, the City has determined that it is in the best interest of its citizens to create and offer for sale a new natural gas franchise.

BE IT ORDAINED BY THE CITY OF EDDYVILLE, KENTUCKY (hereinafter referred to as the "City") that the Mayor of the City, or such other person as the Mayor may designate, shall offer for sale, to the highest and best bidder, a non-exclusive franchise to enter upon, acquire, construct, operate, maintain and repair in the public right of way of the City, a gas distribution system within the corporate boundaries of the City, subject to the provisions of the Franchise Agreement attached hereto and incorporated herein by reference.

The Mayor, or such other person as the Mayor may designate, shall, as soon as practicable after passage of this Ordinance, offer for sale, under sealed public bids, the franchise and privileges created herein. Such bids shall be in writing and shall be delivered to the Mayor or his designee, at City Hall, Eddyville, Kentucky, by 10:00 a.m. on October 30, 2024 (the "Bid Deadline"). Advertisements for such bids shall be published in accordance with the requirements of KRS Chapter 424. All costs for such advertisements shall be borne by the successful Franchisee.

Sealed bids offered for the purchase of this franchise shall be publicly opened and read at 10:00 a.m. C.D.T. on October 30, 2024. All bids shall state the bidder's acceptance of the terms and provisions set forth in the attached franchise agreement.

The Mayor shall present all written bids to the City of Eddyville at its first meeting scheduled after the Bid Deadline for the City's consideration and approval. The City reserves the right to accept any bid, to reject any and all bids received, to waive any irregularities or informalities in awarding the franchise and to accept what, in its opinion, is the best responsive and responsible bid. In the event all bids are rejected, the City reserves the right to direct by resolution or ordinance that the franchise created hereunder be offered again for sale until a satisfactory bid is received and approved.

The franchise created by this ordinance shall become effective when the franchise agreement is signed by the successful bidder and the City.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 9th day of SEPTEMBER, 2024.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this the 17th day of October, 2024.

CITY OF EDDYVILLE, KENTUCKY

By: 
M. Greg Greene, Mayor

ATTEST:


Linda Greene-Williams, City Clerk

EXHIBIT C

NOTICE OF SALE OF GAS FRANCHISE

NOTICE IS HEREBY GIVEN that the City of Eddyville, Kentucky, will on October 30th, at 10:00 a.m. at City Hall, Eddyville, Kentucky, consider offers for sale to the highest and best bidder, plus all costs, including advertising cost, a franchise as defined in Ordinance 2024-09-09 adopted by City of Eddyville on October 17, 2024 the full text of which Ordinance, including the agreement containing the terms of the franchise, is available for inspection in the Office of the City Clerk, City Hall, 153 West Main Street, Eddyville, Kentucky between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday.

ORDINANCE 2024-09-09

AN ORDINANCE OF THE CITY OF EDDYVILLE, 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 EDDYVILLE, KENTUCKY, FOR A TERM OF Ten (10) 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 153 W Main Street, Eddyville, Kentucky, to be publicly opened and read at 10:00 a.m., C.D.T.

On October 30, 2024.

The City of Eddyville 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.