

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

ELECTRONIC APPLICATION OF ATMOS	)	
ENERGY CORPORATION FOR A CERTIFICATE	)	CASE NO.
OF PUBLIC CONVENIENCE AND NECESSITY	)	2025-00318
TO BID ON A FRANCHISE TO SERVE THE CITY	)	
OF POWDERLY, 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 hereby tenders its application for a certificate of public convenience and necessity (“CPCN”) to apply for and obtain a franchise from the city of Powderly, in Muhlenberg County, Kentucky (“Powderly”), 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. Atmos Energy 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. Atmos Energy's principal operating office and place of business in Kentucky is 3275 Highland Pointe Drive, Owensboro, Kentucky 42303. The post office address of Atmos Energy 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

L. Allyson Honaker
Heather S. Temple
Meredith L. Cave
HONAKER LAW OFFICE, PLLC
1795 Alysheba Way, Suite 1203
Lexington, Kentucky 40509
(859) 368-8803
allyson@hloky.com
heather@hloky.com
meredith@hloky.com

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

5. The Powderly City Council 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**. Powderly directed that bids for the sale of a natural gas franchise be received on or before 4:00 p.m. on October 27, 2025. A copy of the public notice advertising the request for bids which was published in *Leader-News* on Tuesday, September 23, 2025

and the publisher's affidavit are attached as **Exhibit C**

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

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 Powderly 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 Atmos Energy 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 September 29, 2025 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 for Atmos Energy Corporation

EXHIBIT A
CERTIFICATE OF GOOD STANDING

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: 324439

Visit <https://web.sos.ky.gov/fts/show/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 11th day of December, 2024, in the 233rd year of the Commonwealth.



Michael G. Adams

Michael G. Adams
Secretary of State
Commonwealth of Kentucky
324439/0237484

EXHIBIT B ORDINANCE

ORDINANCE 25-03

AN ORDINANCE OF THE CITY OF POWDERLY, 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 POWDERLY, KENTUCKY, FOR A TERM OF TWENTY YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO .40 CENTS PER METER DURING THE FIRST FIVE YEARS; .45 CENTS PER METER DURING THE SECOND FIVE YEARS; .50 CENTS PER METER DURING THE THIRD FIVE YEARS; AND .55 CENTS PER METER DURING THE FOURTH FIVE YEARS; 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 Powderly, Kentucky and Atmos Energy Corporation expires on December 12, 2025; 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 [MUNICIPALITY], 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, City of Powderly, Kentucky, by 4 p.m. on October 27, 2025 (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 4 p.m. D.S.T. on October 27 2025. 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 Powderly 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 19 day of August, 2025.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this the 16 day of September, 2025.

CITY OF POWDERLY, KENTUCKY

By: Bobby E. Creager
Bobby Creager, Mayor

ATTEST:

Amber Oates
Amber Oates, City Clerk

EXHIBIT C
NEWSPAPER AND AFFIDAVIT

COMMONWEALTH OF

KENTUCKY

**MUHLENBERG
CIRCUIT COURT
CIVIL ACTION NO.**

24-CI-00238

U.S Bank Trust National Association, not in its individual capacity but solely as Owner Trustee for Acquisition EBO Trust, PLAINTIFF Vs.

NOTICE OF SALE

Jamie Hoskins, AKA Jamie Curtis Hoskins, et al., DEFENDANTS

Pursuant to the Judgment of the Muhlenberg Circuit Court, the Master Commissioner will sell at the Muhlenberg County Courthouse, Greenville, to the highest bidder on Thursday the 2nd day of October, 2025, at 12:00 p.m., C.T.

Address: 1575 State Route 175 N, Bremen, Ky 42325

PVA Number: 037-00-00-025.000

All property is sold in accordance with the legal description in the Judgment.

The Sale shall be for cash or ten percent (10%) down with thirty (30) days to pay the balance, and the purchaser shall give a bond, with good surety, for the purchase price, payable to the Master Commissioner bearing interest at the rate stated in the Judgment. The purchaser shall pay the real estate taxes for the 2025 tax year and following years.

Al Miller, Master Commissioner- 47715 428 North Second Street Central City, Kentucky 42330

www.almillerlaw.com

P: (270) 754-5502/

F: (270) 754-5249

9-30c

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PUBLIC NOTICES

**NOTICE OF SALE OF GAS
FRANCHISE**

NOTICE IS HEREBY GIVEN that the City of Powderly, Kentucky, will on September 24th, at 9 a.m. at City Hall, City of Powderly, Kentucky, consider offers for sale to the highest and best bidder, plus all costs, including advertising cost, a franchise as defined in Ordinance 25-03 adopted by The City of Powderly on 9-16-2025 the full text of which Ordinance, including the agreement containing the terms of the franchise, is available for 211 Hillside Road, Powderly, Kentucky between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday.

ORDINANCE 25-03

AN ORDINANCE OF THE CITY OF POWDERLY, 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 POWDERLY, KENTUCKY, FOR A TERM OF TWENTY YEARS IN CONSIDERATION FOR WHICH, THE SUCCESSFUL FRANCHISEE SHALL PAY TO THE CITY AN ANNUAL SUM EQUAL TO .40 CENTS PER METER DURING THE FIRST FIVE YEARS; .45 CENTS PER METER DURING THE SECOND FIVE YEARS; .50 CENTS PER METER DURING THE THIRD FIVE YEARS; AND .55 CENTS PER METER DURING THE FOURTH FIVE YEARS; AND FURTHER ESTABLISHING A BID P PROCEDURE FOR THE AWARD OF SAID FRANCHISE TO THE SUCCESSFUL BIDDER.

Sealed Bids are to be delivered to 211 Hillside Road, Powderly, Kentucky, to be publicly opened and read at 4 p.m., D.S.T. on October 27, 2025.

The City of Powderly reserves the right to accept any bid, to reject any and all bids, to waive any irregularities or information in awarding the franchise and to accept what, in its opinion, is the best responsive and responsible bid. 9-23c

PUBLIC NOTICES

The following Estates have been Probated and Fiduciary appointments made in the Muhlenberg District Court. Creditors are notified that all claims against said estates must be filed within six (6) months from the date of appointment.

On September 17, 2025, the estate of John Thomas Vincent, 2186 New Cypress Road, Greenville, Kentucky 42345 to Brenda Garrett, Administratrix, 1080 Lake Drive, Lewisburg, Kentucky 42256. Attorney representing estate: Cary Davis, P.O. Box 569, Greenville, Kentucky 42345. 9-23c



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P.O. Box 471, Central City, KY 42330

P.O. Box 138, Greenville, KY 42345

Phone: 270-754-3000 Fax: 270-754-9484

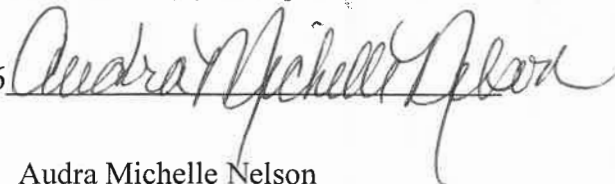
NEWSPAPER AFFIDAVIT

I, Cate Brown, Editor of the Leader-News Newspaper published at Central City and having the largest general circulation of any newspaper in Muhlenberg County, Kentucky do hereby certify that from my own knowledge and a check of the files of this newspaper that the Public Notice ad for an Ordinance of the City of Powderly, Kentucky providing for the creation and sale of a Franchise for the privilege of constructing transporting and operating, maintaining and distributing natural gas along and under public right of way within the city of Powderly. Sealed Bids are to be delivered to 211 Hillside Rd, Powderly KY. was inserted on September 23, 2025 on Page A-8



Subscribed and Affirmed to Before Me By Cate Brown this 9nd day of September 2025.

My Commission Expires 09/14/28ID#KYNP14996



Audra Michelle Nelson