



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

JACK CONWAY
ATTORNEY GENERAL

1024 CAPITAL CENTER DRIVE
SUITE 200
FRANKFORT, KENTUCKY 40601

October 30, 2013

Mr. Scott Schurz, Jr.
191 Old Bridge Road
Danville, KY 40422

RE: AmeriGas Abandonment, Case Nos. 2013-00241 and 2013-00332

Dear Mr. Schurz, Jr.:

Thank you for your recent communication to the Office of the Attorney General, regarding Heritage Operating/AmeriGas' recent acquisition and abandonment proceeding before the PSC. The Attorney General did not intervene as a party to the most recent application by AmeriGas, but has monitored the history of this system (including its prior ownership under Bright) and the relevant proceedings (including PSC Case No. 2007-00494). Based on information supplied to the PSC and subject to its own investigation of this matter, the Commission recently granted AmeriGas its application for acquisition of the system. However, the Commission expressly reserved its decision regarding AmeriGas's request to abandon the current propane system for service to customers by some other means. In particular, the Commission indicated that the new case will be opened for "the purposes of investigating whether there is a competitive market for propane service to customers in the Old Bridge Subdivision and, if there is, whether the existence of a competitive market is ... sufficient."

We recommend that you tender your comments directly to the Public Service Commission and reference both the closed case (PSC Case No. 2013-00241) as well as the subsequently opened case to consider the abandonment application (PSC Case No. 2013-00332). The latter will be decided primarily, if not exclusively, under Kentucky Revised Statute ("KRS") 278.022, and the Attorney General has no current plan to intervene. Further, the Old Bridge Homeowner's Association and Golf Course may wish to consider obtaining private legal counsel in order to intervene in the new case before the PSC. If you have any questions regarding these referrals, please do not hesitate to contact me.

The Office of the Attorney General, Office of Rate Intervention, appreciates interest and input from citizen stakeholders. We thank you for your communication and concern regarding this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jennifer Black-Hans".

Jennifer Black-Hans
Executive Director
Office of Rate Intervention

Cc: Jeff DeRouen

