

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                 |   |            |
|---------------------------------|---|------------|
| ELECTRONIC APPLICATION OF ATMOS | ) | CASE NO.   |
| ENERGY CORPORATION FOR AN       | ) | 2021-00214 |
| ADJUSTMENT OF RATES             | ) |            |

ORDER

This matter arises upon the motion of the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), filed July 26, 2021, pursuant to 807 KAR 5:001, Section 4 (5), to amend the procedural schedule in this matter. In support of its motion, the Attorney General explains the scheduling conflicts presented for its expert witness and that counsel for Atmos Energy Corporation (Atmos) has no objection to amending the procedural schedule to require initial data requests be filed August 9, 2021, and responses due August 23, 2021. The Commission, being otherwise sufficiently advised, finds that the motion should be granted. The Commission directs the Attorney General to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission.

Further, the Commission, on its own motion, HEREBY ORDERS that:

1. A hearing in this matter shall be held December 14, 15, 16, 2021, at 9:00 a.m. Eastern Standard Time, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky.

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

2. Atmos shall give notice of the hearing in compliance with 807 KAR 5:001, Section 9(2)(b). In addition, the notice of hearing shall include the following statement: “This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov.” At the time the notice is mailed or publication is requested, Atmos shall forward a duplicate of the notice and request to the Commission.

3. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video transcript shall be made of the hearing.

4. The motion of the Attorney General to amend the procedural schedule is granted.

5. The amended procedural schedule set forth in the Appendix to this Order shall be followed.

6. a. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person’s knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior response if it obtains information that indicates the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

7. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>2</sup> regarding filings with the Commission.

8. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or

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<sup>2</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene filed after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

9. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

10. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

11. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00214 DATED JUL 30 2021

|  |                              |
|--|------------------------------|
| Last day for intervention requests to be accepted.....   | 07/30/2021                   |
| All initial requests for information to Atmos shall<br>be filed no later than.....   | 08/09/2021                   |
| Atmos shall file responses to initial requests for<br>information no later than.....   | 08/23/2021                   |
| All supplemental requests for information to Atmos<br>shall be filed no later than .....   | 09/02/2021                   |
| Atmos shall file responses to supplemental requests<br>for information no later than .....   | 09/16/2021                   |
| Intervenor testimony, if any, in verified prepared<br>form shall be filed no later than .....  | 09/30/2021                   |
| All requests for information to Intervenors shall<br>be filed no later than.....   | 10/21/2021                   |
| Intervenors shall file responses to requests for<br>information no later than.....   | 11/04/2021                   |
| Atmos shall file, in verified form, its rebuttal<br>testimony no later than .....  | 11/18/2021                   |
| Last day for Atmos to publish notice of hearing.....   | 12/07/2021                   |
| Public Hearing to be held in the Richard Raff Hearing Room<br>at the offices of the Public Service Commission at 211 Sower Boulevard,<br>Frankfort, Kentucky, for the purpose of cross-examination<br>of witnesses of Atmos and Intervenors..... | 12/14, 12/15, and 12/16/2021 |
| Post-Hearing Briefs, if any.....   | To be scheduled              |

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