

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ATMOS	)	
ENERGY CORPORATION FOR AN	)	CASE NO.
ADJUSTMENT OF RATES; APPROVAL OF	)	2024-00276
TARIFF REVISIONS; AND OTHER GENERAL	)	
RELIEF	)	

ORDER

This matter arises upon the motion of Kentucky Industrial Utility Customers, Inc. (KIUC), filed October 25, 2024, for full intervention. As a basis for its motion, KIUC stated that that it has a special interest that cannot be adequately represented by any existing party. It claimed that it represents the industrial viewpoint on energy and utility issues before this Commission. KIUC also argued that it is likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings, having participated in nearly 100 cases with the Commission.<sup>1</sup>

LEGAL STANDARD

The only person who has a statutory right to intervene in a Commission case is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to KRS 367.150(8)(b). The Attorney General

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<sup>1</sup> KIUC's Motion to Intervene (filed Oct. 25, 2024) at 2.

was granted intervention in this matter by Order dated October 3, 2024. Intervention by others, such as KIUC, is permissive and within the sole discretion of the Commission.<sup>2</sup>

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

### DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficiently advised, the Commission finds that KIUC has demonstrated that it is likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complication the proceedings, having participated in numerous cases on behalf of industrial customers, including in western Kentucky where Atmos operates.<sup>3</sup>

Based on the above, the Commission finds that KIUC should be granted full rights of a party in this proceeding. The Commission directs KIUC to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>4</sup> regarding filings with the Commission.

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<sup>2</sup> See Case No. 2023-00310, *Electronic 2023 Integrated Resource Plan of Big Rivers Electric Corporation* (Ky. PSC Dec. 8, 2023), Order; Case No. 2017-00384, *2023 Integrated Resource Plan of Big Rivers Electric Corporation* (Ky. PSC May 30, 2018), Order; Case No. 2013-00199, *Application of Big Rivers Electric Corporation for a General Adjustment in Rates Supported by Fully Forecasted Test Period* (Ky. PSC July 31, 2013), Order.

<sup>3</sup> Case No. 2023-00310, Dec. 8, 2023 Order; Case No. 2017-00384, May 30, 2018 Order; Case No. 2013-00199, July 31, 2013.

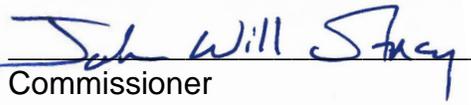
<sup>4</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

IT IS HEREBY ORDERED that:

1. KIUC's motion to intervene is granted.
2. KIUC is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. KIUC shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. KIUC shall adhere to the procedural schedule set forth in the Commission's October 17, 2024 Order and as amended by subsequent Orders.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, KIUC shall file a written statement with the Commission that:
  - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
  - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Commissioner

  
Commissioner

ATTEST:

  
Executive Director



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