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PHIL HAUCK (1924-1991)

November 29, 1999

**FILED**

NOV 29 1999

Missouri Public  
Service Commission

Mr. Dale Hardy Roberts  
Chief Administrative Law Judge  
Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

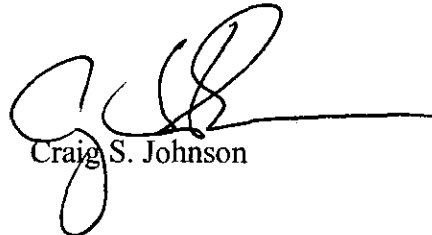
Re: Application to Intervene, City of Appleton/GM-2000-312

Dear Mr. Roberts:

Enclosed please find an original and 15 copies of an Application To Intervene in the above referenced case.

Thank you for seeing this filed.

Sincerely,



Craig S. Johnson

CSJ/ksw

enclosures

cc: Dan Joyce  
Martha Hogarty  
Gary Duffy  
James M. Fischer  
Jean Burham

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**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

**FILED**

NOV 29 1999

Missouri Public  
Service Commission

In the Matter of the Joint Application of )  
Atmos Energy Corporation and Arkansas )  
Western Gas Company, d/b/a Associated )  
Natural Gas Company, for an Order )  
Authorizing the Sale and Transfer of Certain )  
Assets of Associated Natural Gas Company )  
Located in Missouri to ATmos Energy )  
Corporation and either Authorizing the )  
Transfer of Existing certificates of Public )  
Convenience and Necessity or Granting a New )  
Certificate of Public Convenience and Necessity )  
to Atmos Energy Corporation in Conjunction )  
with Same. )

Case No. GM-2000-312

**APPLICATION TO INTERVENE, CITY OF APPLETON CITY**

Comes now the City of Appleton City, Missouri and hereby moves to intervene in opposition to the Joint Application creating this proceeding. In support of this application, the City of Appleton City states as follows:

1. The City of Appleton City is a Missouri city of the fourth class located in St. Clair County with a population of approximately 1,280.
2. Copies of all filings in this docket should be directed to the City of Appleton City by serving:

Craig S. Johnson  
Andereck Evans Milne Peace & Baumhoer, LLC  
P.O. Box 1438  
Jefferson City, MO 65201  
(573) 634-3422  
(573) 634-7822 fax

3. The City of Appleton City operates its own municipal utility. The City of Appleton City also has granted a franchise to ANG, permitting only ANG permission to utilize the public rights of way within Appleton City for the purposes of operating a natural gas utility operation. The City of Appleton City also collects taxes from ANG in its capacity as a utility operating in Appleton City pursuant to franchise.

4. On or about November 2, 1999, without any prior notice to the City of Appleton City, ANG submitted a joint application to the Commission proposing to transfer its Missouri assets, including those located within the corporate limits of Appleton City, to Atmos Energy Corporation, a stranger to the City of Appleton City. According to the Application on or about October 15, 1999 ANG and Atmos entered into an agreement for the sale of such assets. No such notice of the agreement was given to the City of Appleton City.

5. The City of Appleton City is exclusively vested with the right to determine what entities it will allow to utilize public rights of way in the operation of a public utility through its grants of franchise, what entities will be issued franchises, and whether and to what entities franchises will be allowed to be assigned, and under what terms and conditions.

6. The City of Appleton City currently has issued to ANG, and only ANG, such a franchise. The City of Appleton City has not and will not issue any such franchise to Atmos. The City of Appleton City has not and will not assign the current franchise of ANG to Atmos on its present terms and conditions. Atmos is not an entity with which Appleton City has any familiarity, trust, or track record of successful business dealings.

The City of Appleton City does not know if Atmos has the resources to manage, finance, and operate the natural gas business within the City of Appleton City.

7. The City of Appleton City opposes the Joint Application in all respects.

8. As set forth above, the interests of the City of Appleton City and its constituent residents are different than those of the general public.

WHEREFORE, the City of Appleton City respectfully requests that its application to intervene be sustained, that this application be scheduled for evidentiary hearing, and that the Application be rejected on the grounds set forth herein, together with such other relief as the Commission deems proper.

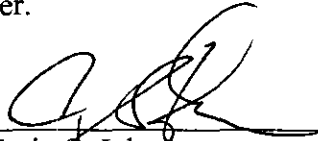
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By: 

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ATTORNEYS FOR  
CITY OF APPLETON CITY

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, U. S. Mail, postage pre-paid, this 29 day of November, 1999, to Dan Joyce, Martha Hogarty, Gary W. Duffy, and James M. Fischer.

  
\_\_\_\_\_  
Craig S. Johnson.