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November 29, 1999

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

FILED
NOV 29 1999
Missouri Public
Service Commission


Re: Application to Intervene, City of Malden/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
Cecil Weeks

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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 MALDEN

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

1. The City of Malden is a Missouri city of the third class located in Dunklin County with a population of approximately 5,123.

2. Copies of all filings in this docket should be directed to the City of Malden 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 Malden operates its own municipal utility. The City of Malden also has granted a franchise to ANG, permitting only ANG permission to utilize the public rights of way within Malden for the purposes of operating a natural gas utility operation. The City of Malden also collects taxes from ANG in its capacity as a utility operating in Malden pursuant to franchise.

4. On or about November 2, 1999, without any prior notice to the City of Malden, ANG submitted a joint application to the Commission proposing to transfer its Missouri assets, including those located within the corporate limits of Malden, to Atmos Energy Corporation, a stranger to the City of Malden. 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 Malden.

5. The City of Malden 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 under what terms and conditions.

6. The City of Malden currently has issued to ANG, and only ANG, such a franchise. It is currently contemplated that this franchise will be terminated effective approximately September 27, 2001. The City of Malden has not and will not issue any such franchise to Atmos. Atmos is not an entity with which Malden has any familiarity, trust, or track record of successful business dealings. The City of Malden does not know if Atmos has the resources to manage, finance, and operate the natural gas business within the City of Malden.

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

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

WHEREFORE, the City of Malden 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.

ANDERECK, EVANS, MILNE
PEACE & BAUMHOER

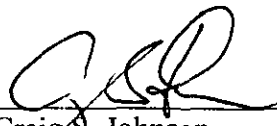
By:



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ATTORNEYS FOR
CITY OF MALDEN

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.