

ANDERECK, EVANS, MILNE, PEACE & BAUMHOER

ATTORNEYS AT LAW

305 EAST McCARTY STREET

P.O. BOX 1438

JEFFERSON CITY, MISSOURI 65102-1438

TELEPHONE 573-634-3422

FAX 573-634-7822

EUGENE E. ANDERECK

TERRY M. EVANS

ERWIN L. MILNE

JACK PEACE

PATRICK A. BAUMHOER

CRAIG S. JOHNSON

RODRICA A. WIDGER

GEORGE M. JOHNSON

BEVERLY J. FIGG

WILLIAM S. LEWIS

VICTOR S. SCOTT

LESLEY A. RENFRO

COREY K. HERRON

MATTHEW M. KROHN

LANETTE R. GOOCH

LORI A. KOWALSKI

MARVIN L. SHARP

OF COUNSEL

GREGORY C. STOCKARD (1904-1993)

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 Campbell/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
Raymond Gunter

TRENTON OFFICE
9th AND WASHINGTON
P.O. BOX 547
TRENTON, MISSOURI 64683-0547
660-359-2244
FAX 660-359-2116

SPRINGFIELD OFFICE
1111 S. GLENSTONE
P.O. BOX 4929
SPRINGFIELD, MISSOURI 65808-4929
417-864-6401
FAX 417-864-4967

PRINCETON OFFICE
207 NORTH WASHINGTON
PRINCETON, MISSOURI 64673
660-748-2244
FAX 660-748-4405

SMITHVILLE OFFICE
119 E. MAIN STREET
P.O. BOX 654
SMITHVILLE, MISSOURI 64089
816-532-3895
FAX 816-532-3899

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 CAMPBELL

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

1. The City of Campbell is a Missouri city of the fourth class located in Dunklin County with a population of approximately 2,165.

2. Copies of all filings in this docket should be directed to the City of Campbell 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 Campbell operates its own municipal utility. The City of Campbell also has granted a franchise to ANG, permitting only ANG permission to utilize the public rights of way within Campbell for the purposes of operating a natural gas utility operation. The City of Campbell also collects taxes from ANG in its capacity as a utility operating in Campbell pursuant to franchise. The franchise has expired and has not been renewed.

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

5. The City of Campbell 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 Campbell previously had issued to ANG, and only ANG, such a franchise. The City of Campbell has not and will not issue any such franchise to Atmos. Atmos is not an entity with which Campbell has any familiarity, trust, or track record of successful business dealings. The City of Campbell does not know if Atmos has the resources to manage, finance, and operate the natural gas business within the City of Campbell.

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

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

WHEREFORE, the City of Campbell 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: 

Craig S. Johnson
MO Bar #28179
305 East McCarty Street
Hawthorn Center, 3rd Floor
P.O. Box 1438
Jefferson City, MO 65102
Telephone: 573/634-3422
Facsimile: 573/634-7822
ATTORNEYS FOR
CITY OF CAMPBELL

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.