

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
December 1, 1999**

CASE NO: GM-2000-312

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Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Uncertified Copy:

Thomas M. Byrne
720 Olive Street
St. Louis, Mo 63101

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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)	<u>Case No. GM-2000-312</u>
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.)	

**ORDER GRANTING INTERVENTION, SETTING A PREHEARING CONFERENCE
AND DIRECTING FILING OF PROCEDURAL SCHEDULE**

On November 2, 1999, Atmos Energy Corporation (Atmos) and Arkansas Western Gas Company, d/b/a Associated Natural Gas Company (ANG), filed a joint application with the Commission for authority for ANG to sell and transfer to Atmos all of the assets of ANG located in Missouri. Atmos also sought a certificate of public convenience and necessity authorizing it to provide gas service in the service areas currently served by ANG. On November 8, the Commission issued an order and notice, directing interested parties to file applications to intervene no later than November 29.

On November 18, Noranda Aluminum, Inc. (Noranda) filed an application to intervene. Noranda stated that it has a direct interest

in the Commission's decision regarding the application of Atmos and ANG because it operates an aluminum plant in New Madrid County, Missouri and is the largest single customer of ANG. Noranda states that its interests differ from those of the general public and any other party. Noranda further states that its interests cannot be protected by any other party.

On November 29, the International Brotherhood of Electrical Workers, Local Union No. 1439 (IBEW Local 1439) filed an application to intervene. IBEW Local 1439 represents the outside physical employees of ANG. IBEW Local 1439 indicates that it and the employees it represents may be directly affected by the Commission's decisions and orders in this case. It alleges that it has an interest in this proceeding that is different from that of the general public and that cannot be adequately represented by any other party. Furthermore, IBEW Local 1439 states that granting its request for intervention will serve the public interest by ensuring that the rights of the employees it represents will be protected.

On November 29, the City of Campbell, Missouri, the City of Malden, Missouri, and the City of Appleton City, Missouri, filed separate applications to intervene. Each city operates its own municipal utility and has granted a franchise to ANG, permitting only ANG to utilize the public rights of way with the city limits for the purpose of operating a natural gas utility operation. Each city indicates that it has not, and will not, issue a franchise to Atmos.

The Commission has reviewed each of the applications and finds that each is in substantial compliance with Commission rules regarding

intervention. Noranda and IBEW Local No. 1439 have an interest in the proceeding that is different from that of the general public and granting their requests to intervene would serve the public interest. Thus they are entitled to intervene under 4 CSR 240-2.075(4)(A)&(C). The cities of Campbell, Malden and Appleton City are municipalities entitled to intervene under 4 CSR 240-2.075(4)(B). The Commission concludes that each request for intervention should be granted.

So that this case may proceed in an expeditious manner, the parties will be directed to file a proposed procedural schedule. The procedural schedule shall include dates for the filing of testimony and for a hearing. To assist in the development of the procedural schedule and to clarify the issues in dispute, an early prehearing conference will be scheduled. If no party requests a hearing, the Commission may grant the relief requested without a hearing. State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission, 776 S.W.2D 494, 496 (Mo. App. 1989).

IT IS THEREFORE ORDERED:

1. That Noranda Aluminum, Inc. is granted intervention in this case in accordance with 4 CSR 240-2.075(4).
2. That the International Brotherhood of Electrical Workers, Local Union No. 1439 is granted intervention in this case in accordance with 4 CSR 240-2.075(4).
3. That the City of Appleton City, Missouri is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

4. That the City of Campbell, Missouri is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

5. That the City of Malden, Missouri is granted intervention in this case in accordance with 4 CSR 240-2.075(4).

6. That an early prehearing conference shall be held on December 15, 1999, beginning at 10:00 a.m. The prehearing conference shall be held at the Commission's offices on the fifth floor of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri.

Anyone wishing to attend who has special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days before the prehearing conference at: Consumer Services Hotline - 1-800-392-4211 or TDD Hotline - 1-800-829-7541.

7. That the parties shall file a proposed procedural schedule no later than December 22, 1999. The procedural schedule shall include dates for the filing of testimony and for a hearing.

8. That this order shall become effective on December 13, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Morris L. Woodruff, Regulatory
Law Judge, by delegation of authority
pursuant to 4 CSR 240-2.120(1),
(November 30, 1995) and Section 386.240,
RSMo 1994.

Dated at Jefferson City, Missouri,
on this 1st day of December, 1999.

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

I have compared the preceding copy with the original on file in this office and

I do hereby certify the same to be a true copy therefrom and the whole thereof.

**WITNESS my hand and seal of the Public Service Commission, at Jefferson
City, Missouri, this 1st day of December 1999.**



Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**