

BEFORE THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS

In the Matter of the Application of Atmos )  
Energy to Amend its Purchase Gas Adjustment )  
(PGA) Schedule to Add a Demand Charge ) Docket No. 14-ATMG-230-TAR  
Savings and Pipeline Bypass Savings )  
Component to the PGA )

**ATMOS ENERGY'S OBJECTION TO PETITION TO INTERVENE**

Atmos Energy ("Atmos") objects to the petition to intervene filed by Kansas City Power & Light Company ("KCP&L") in this case for the reasons set forth herein.

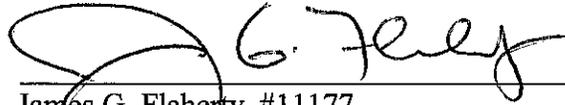
1. In order to be granted intervention, KCP&L must demonstrate it has a substantial interest in the outcome of this proceeding. **K.A.R. 82-1-225**. KCP&L does not have a substantial interest in the outcome of this proceeding and therefore is not entitled to intervention. If Atmos' application is granted, then the natural gas utility will be allowed to use the savings generated from its efforts to reduce the interstate pipeline demand charges currently paid by its customers to make further investment in Kansas, including investing in projects that could bring natural gas service to under-served areas in Kansas, such as subdivisions where the developer decided for whatever reason years ago should contain only all-electric houses. Because of the election made by that developer, those customers who live in those subdivisions do not have access to natural gas as a home fuel source and are limited to using electricity or propane. There exists no competition between electricity and natural gas and those customers have no home fuel source choice. KCP&L specifically indicates in its petition for intervention it "has no objection to natural gas competition in its certificated territories." **KCP&L Petition to Intervene, page 2, par. 4**. If that is truly the case, then KCP&L should have no objection to having customers located in under-served areas in Kansas, such as all-electric subdivisions, having the ability to choose between natural gas and electricity, and therefore

should have no substantial interest in the outcome of this proceeding, and should not be allowed intervention. Otherwise, KCP&L is really not interested in allowing customers located in its service territory the ability to choose between electricity and natural gas.

2. If KCP&L truly has no objection to allowing all customers located in its service territory to choose between electricity and natural gas and has no objection to competition between natural gas and electricity, then before customers can have the ability to choose between the competing sources of fuel there needs to be the natural gas infrastructure in place to allow for that competition to exist. Atmos' application if approved by the Commission, will allow for that infrastructure to be built using savings generated from the gas utility's ability to reduce interstate pipeline demand charges. Atmos gains no competitive advantage over KCP&L by merely having pipe in the ground to provide services to customers. If anyone currently has a competitive advantage it is KCP&L, since it made some deal with the developer years ago to build all-electric homes. If Atmos is allowed to use the savings to invest in the natural gas infrastructure so customers in these all-electric subdivisions will have a choice in the future as to their home fuel source, then all that has been accomplished by Atmos' application is to have both electricity and natural gas infrastructure in these under-served areas – the competition should be between the fuel source, electricity or natural gas, and not which utility was able to make the best deal with the subdivision developer.

3. If KCP&L is being honest with the Commission when it states it has no objection to being required to have its electricity compete with natural gas, then it has no substantial interest in this docket and should not be allowed to intervene. However, Atmos expects that KCP&L would prefer to not have these under-served areas in Kansas that are located in their service territory receive the benefit of having natural gas infrastructure built, so that it can maintain captive customers in these areas.

WHEREFORE, for the reasons set forth herein, Atmos requests that KCP&L's petition to intervene be denied.



James G. Flaherty, #11177  
**ANDERSON & BYRD, LLP**  
216 S. Hickory, P. O. Box 17  
Ottawa, Kansas 66067  
(785) 242-1234, telephone  
(785) 242-1279, facsimile  
[jflaherty@andersonbyrd.com](mailto:jflaherty@andersonbyrd.com)  
Attorneys for Atmos Energy

**VERIFICATION**

STATE OF KANSAS, COUNTY OF FRANKLIN, ss:

James G. Flaherty, of lawful age, being duly sworn upon oath, deposes and says that he is attorney for Atmos Energy that he has read the above and foregoing Objection to Petition to Intervene, and the statements contained therein are true.



James G. Flaherty

SUBSCRIBED AND SWORN to before me this 4<sup>th</sup> day of June, 2014.



Notary Public

Appointment/Commission Expires:

## CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the above and foregoing Objection to Petition to Intervene was served by electronic service on this 4<sup>th</sup> day of June, 2014, to the following parties who have waived receipt of follow-up hard copies.

Niki Christopher  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[n.christopher@curb.kansas.gov](mailto:n.christopher@curb.kansas.gov)

Michael Neeley, Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[m.neeley@kcc.ks.gov](mailto:m.neeley@kcc.ks.gov)

C. Steven Rarrick  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[s.rarrick@curb.kansas.gov](mailto:s.rarrick@curb.kansas.gov)

Jay Van Blaricum, Advisory Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[j.vanblaricum@kcc.ks.gov](mailto:j.vanblaricum@kcc.ks.gov)

Della Smith  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[d.smith@curb.kansas.gov](mailto:d.smith@curb.kansas.gov)

Glenda Cafer  
Cafer Pemberton LLC  
3321 SW 6<sup>th</sup> Street  
Topeka, KS 66606  
[glenda@caferlaw.com](mailto:glenda@caferlaw.com)

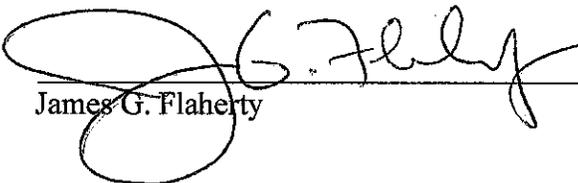
Shonda Smith  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[sd.smith@curb.kansas.gov](mailto:sd.smith@curb.kansas.gov)

Terri Pemberton  
Cafer Pemberton LLC  
3321 SW 6<sup>th</sup> Street  
Topeka, KS 66606  
[terri@caferlaw.com](mailto:terri@caferlaw.com)

David Springe, Consumer Counsel  
Citizens' Utility Ratepayer Board  
1500 SW Arrowhead Road  
Topeka, KS 66604  
[d.springe@curb.kansas.gov](mailto:d.springe@curb.kansas.gov)

Roger W. Steiner  
Corporate Counsel  
Kansas City Power & Light Company  
PO Box 418679  
Kansas City, MO 64141-9679  
[roger.steiner@kcpl.com](mailto:roger.steiner@kcpl.com)

Samuel Feather, Litigation Counsel  
Kansas Corporation Commission  
1500 SW Arrowhead Road  
Topeka, KS 66604-4027  
[s.feather@kcc.ks.gov](mailto:s.feather@kcc.ks.gov)

  
James G. Flaherty