

THE STATE CORPORATION COMMISSION

OF THE STATE OF KANSAS

Before Commissioners: Jay Scott Emler, Chairman  
Shari Feist Albrecht  
Pat Apple

In the Matter of the Application of Atmos Energy to Cease )  
Service as a Natural Gas Public Utility in Section 6, Township ) 16-ATMG-473-CCS  
28, Range 35, and Sections 1, 2 and 11, Township 28, Range )  
36, Grant County, Kansas. )

ORDER

NOW, the above-captioned matter comes on for consideration and determination by the State Corporation Commission of the State of Kansas ("Commission"). Having examined its files and records, and being fully advised in the premises, the Commission finds and concludes as follows:

1. On April 22, 2016, Atmos Energy ("Applicant") filed an application seeking to cease operating as an electric public utility in a portion of Grant County, Kansas. Applicant is an electric public utility as defined by K.S.A. 2014 Supp. 66-104. A public hearing was neither requested nor held on this Application.

2. Specifically, Applicant requests permission to cease operating in the territory described as follows:

GRANT COUNTY

Section 6, Township 28 South, Range 35 West, and Sections 1, 2 and 11,  
Township 28, Range 36.

3. Public convenience will be promoted by allowing Applicant to cease operating as an electric public utility in the territory described in Finding No. 2 above and granting Midwest Energy, Inc., in Docket No. 16-MDWG-472-COC, a Certificate to serve as an electric public utility in that territory. This application, therefore, should be granted and an Order issued to Applicant to cease operation.

IT IS, THEREFORE, BY THE COMMISSION ORDERED THAT:

A. The application filed herein is granted and Atmos Energy is permitted to cease operating as an electric public utility in the territory described in Finding No. 2 herein.

B. A party may file a petition for reconsideration of this Order within fifteen (15) days from the date of service of this Order. If service is by mail, service is complete upon mailing, and three (3) days shall be added to the above time frame. K.S.A. 66-118b; K.S.A. 2014 Supp. 77-529.

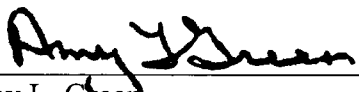
C. The Commission retains jurisdiction of the subject matter and parties for the purpose of entering such further order or orders as it may deem necessary.

BY THE COMMISSION IT IS SO ORDERED.

Emler, Chairman; Albrecht, Commissioner; Apple, Commissioner

Dated: JUN 07 2016

gdd

  
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Amy L. Greer  
Secretary to the Commission

Order Mailed Date

JUN 08 2016

**REPORT AND RECOMMENDATION  
UTILITIES DIVISION**

**TO:** Chair Jay Scott Emler  
Commissioner Shari Feist Albrecht  
Commissioner Pat Apple

**FROM:** Gary Dawdy, Utility Engineer II  
Leo Haynos, Chief Engineer  
Jeff McClanahan, Director of Utilities

**DATE:** May 18, 2016

**SUBJECT:** 16-MDWG-472-COC  
In the Matter of the Application of Midwest Energy, Inc. for a Certificate of Convenience and Authority as a natural gas public utility in Section 6, Township 28, South Range 35 West, and Sections 1, 2 and 11, Township 28 South Range 36 West, Grant County.

16-ATMG-473-CCS  
In the Matter of the Application of Atmos Energy to Cease Services as a Natural Gas Public Utility in Section 6, Township 28, Range 35, and Sections 1, 2 and 11, Township 28, Range 36, Grant County, Kansas.

**BACKGROUND:**

On April 22, 2016, Midwest Energy (Midwest) filed an Application for Certificate in Docket No. 16-MDWG-472-COC and Atmos Energy (Atmos) filed a Companion Cease Service Application in Docket No. 16-ATMG-473-CCS.

**ANALYSIS:**

Pursuant to K.S.A. 2013 Supp. 66-131, the Commission has jurisdiction to grant a certificate to a public utility seeking to transact business in the State of Kansas.

The statutory standard of review in this matter is whether the “public convenience will be promoted by the transaction of said business and permitting said applicants to transact the business of a common carrier or public utility in this state.” K.S.A. 2013 Supp. 66-131.

Atmos is releasing these sections of natural gas territory to Midwest at the request of an irrigation customer. Midwest has closer infrastructure and has agreed to provide natural gas service.

Staff recommends that the Commission find that the public convenience will be promoted by the granting of these Applications.

The Commission action date is October 19, 2016.

**RECOMMENDATION:**

Staff is recommending the Application for Certificate in 16-MWG-472-COC and the Application to Cease Service in 16-ATMG-473-CCS both be granted.

KANSAS CORPORATION COMMISSION  
AMY L. GREEN, SECRETARY

DOCKET NO.: 16-ATMG-473-CCS

ORDER DATE: JUN 07 2016

NAME AND ADDRESS

NO. OF  
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**Order Mailed Date**

The Docket Room hereby certifies that on JUN 08 2016, a  
true and correct copy of the attached was deposited in the United States Mail, postage prepaid,  
addressed to the above persons.