

**THE STATE CORPORATION COMMISSION  
OF THE STATE OF KANSAS**

Before Commissioners:                    Andrew J. French, Chairperson  
    Dwight D. Keen  
    Susan K. Duffy

In the Matter of the Application of Atmos    )  
Energy Corporation for Authority to Cease    )  
Transacting the Business of a Natural Gas    ) Docket No. 22-ATMG-039-CCS  
Public Utility in a Portion of Leavenworth    )  
County, Kansas.                                    )

**ORDER GRANTING PETITION TO INTERVENE**

This matter comes before the State Corporation Commission of the State of Kansas (“Commission”) for consideration and decision. Having reviewed the pleadings and record, the Commission makes the following findings:

1.        On July 16, 2021, Atmos Energy Corporation. (“Atmos”) filed an application for authority to cease providing natural gas service in a portion of Leavenworth County, Kansas.<sup>1</sup>
2.        On July 29, 2021, Joe F. Jenkins II, Jill A. Jenkins, and Tri-County Rod and Gun Club, Inc. (“Petitioners”) filed a Petition to Intervene and Protest in Opposition to the Application of Atmos Energy Corporation for Authority to Cease Service.<sup>2</sup>
3.        Petitioners are currently Atmos customers located in the territory where Atmos wishes to cease service and will be directly affected by any decision that comes from the Commission.<sup>3</sup>
4.        There have been no objections to the Petition to Intervene.

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<sup>1</sup> Atmos Application for Authority to Cease Service, (“Application”), (Jul. 16, 2021).

<sup>2</sup> Petition to Intervene and Protest in Opposition to the Application of Atmos Energy Corporation for Authority to Cease Service, (Petition) (Jul. 29, 2021).

<sup>3</sup> *Id.* at 6.

5. The Commission shall grant intervention if the petition: (1) is submitted in writing and properly served; (2) state facts demonstrating the petitioners' legal rights, duties, privileges, immunities or other legal interests that may be substantially affected by the proceeding or that the petitioners qualify as an intervenor under any provision of law; and (3) the interests of justice and the orderly and prompt conduct of the proceedings will not be impaired by allowing the intervention.<sup>4</sup> The Commission has discretion to grant intervention at any time where intervention is in the interests of justice and will not impair the orderly and prompt conduct of the proceedings.<sup>5</sup> At any time during a proceeding, the Commission may impose limitations on an intervenors' participation, which may include limiting an intervenors' participation to designated issues in which the intervenor has a particular interest demonstrated by the petition, limiting intervenor discovery, cross-examination and other procedures, and requiring intervenors to consolidate their participation in the proceedings.<sup>6</sup>

6. Petitioners submitted its petition to intervene in writing and properly served it pursuant to K.S.A. 77-521(a)(1). The Commission finds that the Petitioners have met the requirements of K.S.A. 77-521 and there exists no evidence, the interests of justice or the orderly and prompt conduct of the proceedings will be impaired by Petitioners intervention in this matter.

7. Petitioners will be added to the official service list. Service of pleadings, communication, and correspondence should be delivered to counsel of record and individuals listed below:

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<sup>4</sup> K.S.A. 77-521(a); K.A.R. 82-1-225(a).

<sup>5</sup> K.S.A. 77-521(b); K.A.R. 82-1-225(b).

<sup>6</sup> K.S.A. 77-521(c); K.A.R. 82-1-225(c).

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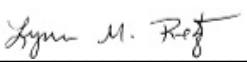
**THEREFORE, THE COMMISSION ORDERS:**

- A. Petitioners' Petition to Intervene is granted pursuant to K.S.A. 77-521.
- B. Any party may file and serve a petition for reconsideration pursuant to the requirements and time limits established by K.S.A. 77-529(a)(1).<sup>7</sup>

**BY THE COMMISSION IT IS SO ORDERED.**

French, Chairperson; Keen, Commissioner; Duffy, Commissioner

Dated: 08/24/2021

  
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Lynn M. Retz  
Secretary to the Commission

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<sup>7</sup> K.S.A. 66-118b; K.S.A. 77-503(c); K.S.A. 77-531(b).

## **CERTIFICATE OF SERVICE**

22-ATMG-039-CCS

I, the undersigned, certify that a true copy of the attached Order has been served to the following by means of electronic service on 08/24/2021.

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/S/ DeeAnn Shupe  
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