

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|-------------------------------------|---|------------|
| APPLICATION OF KENTUCKY POWER |) | |
| COMPANY FOR APPROVAL OF ITS 2011 |) | |
| ENVIRONMENTAL COMPLIANCE PLAN, FOR |) | |
| APPROVAL OF ITS AMENDED |) | |
| ENVIRONMENTAL COST RECOVERY |) | CASE NO. |
| SURCHARGE TARIFF, AND FOR THE GRANT |) | 2011-00401 |
| OF A CERTIFICATE OF PUBLIC |) | |
| CONVENIENCE AND NECESSITY FOR THE |) | |
| CONSTRUCTION AND ACQUISITION OF |) | |
| RELATED FACILITIES |) | |

O R D E R

On February 24, 2012, Tom Vierheller, Beverly May, and Sierra Club (“Sierra Club”) filed a motion for a two-week extension of time to file direct testimony in this case and also requested extending all of the procedural deadlines by two weeks.

In support of its motion, Sierra Club states that its ability to prepare its testimony has been hindered by Kentucky Power Company’s (“Kentucky Power” or “Company”) failure to respond to requests for information in a timely and complete manner. It states that Kentucky Power did not actually produce all of the documents that the Company deemed responsive to Sierra Club’s initial data requests until February 13, 2012, instead of the due date of January 27, 2012. Sierra Club further states that a number of documents related to critical pieces of information were not produced until after Sierra Club filed a motion to compel. It states that Kentucky Power’s failure to respond to requests for information in a timely and complete manner has prejudiced Sierra Club’s ability to fully participate in this matter unless the Commission grants an extension to file

testimony. It further states that Kentucky Power has remedied or is in the process of remedying most of the deficiencies in the information it provided to Sierra Club.


Based on the motion for an extension of time to file direct testimony, and being otherwise sufficiently advised, the Commission finds that Tom Vierheller, Beverly May, and Sierra Club should have an additional ten days within which to file their direct testimony and that the procedural schedule in this matter should be revised with respect to the due dates for the direct testimony of Sierra Club, for the issuance of data requests to Sierra Club, and for the responses of Sierra Club to data requests.

By separate Order, a hearing in this matter will be scheduled for April 16, 2012. Consequently, in order for all parties to have sufficient time to submit information and prepare for the hearing, the existing date of April 10, 2012 for Kentucky Power to file its rebuttal testimony cannot be changed. Thus, to allow sufficient time for discovery of Sierra Club testimony, only a shorter extension of time than requested by Sierra Club can be granted.

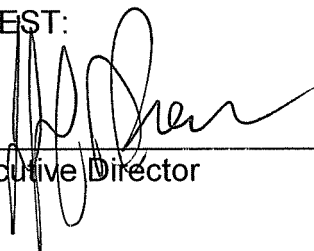
IT IS THEREFORE ORDERED that:

1. Sierra Club's motion for an extension of time is granted to the extent that Sierra Club shall have ten additional days, or up to and including March 12, 2012, to file its testimony in verified prepared form.
2. The revised procedural schedule set forth in the Appendix to this Order shall be followed with respect to the direct testimony of Sierra Club, data requests to Sierra Club, and the responses of Sierra Club to data requests.

By the Commission

ENTERED 
MAR 01 2012
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2011-00401

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2011-00401 DATED MAR 01 2012

Intervenor Sierra Club's testimony, if any, in verified prepared
form, shall be filed no later than 03/12/12

All requests for information to Intervenor Sierra Club
shall be filed no later than..... 03/22/12

Intervenor Sierra Club's responses to requests
for information shall be filed no later than..... 03/30/12

Honorable Joe F Childers
Attorney at Law
201 West Short Street
Suite 310
Lexington, KENTUCKY 40507

Jennifer B Hans
Assistant Attorney General's Office
1024 Capital Center Drive, Ste 200
Frankfort, KENTUCKY 40601-8204

Kristin Henry
Staff Attorney
Sierra Club
85 Second Street
San Francisco, CALIFORNIA 94105

Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KENTUCKY 40602-0634