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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

The 2012 Integrated Resource Plan of
East Kentucky Power Cooperative, Inc.

)
) CASE NO. 2012-00149
)

**RESPONSE OF SONIA MCELROY AND SIERRA CLUB TO EAST KENTUCKY
POWER COOPERATIVE’S MOTION FOR ENLARGEMENT OF TIME**

Sonia McElroy and the Sierra Club (collectively, “Intervenors”) hereby respond to East Kentucky Power Cooperative’s (“EKPC”) December 10 motion for an enlargement of time, which requests an additional ten days for EKPC to respond to Intervenors’ initial data requests 19(b), 19(c), 21, and 28(a). The data requests at issue have been pending for more than six months, and the Kentucky Public Service Commission (“PSC”) has ordered EKPC to respond to requests 19(b), 19(c), and 21 twice over the past three months. In light of such intransigence by EKPC, the company’s claim that “it is unduly burdensome for EKPC to be required to respond to all these items in such a short period” (EKPC Mot. at 1) is meritless at best.

With regards to request 28(a), EKPC first claimed privilege in an October 18 letter, more than four months after Intervenors submitted the request. EKPC has never provided any support for its privilege claim, did not seek a protective order, and neglected to respond to Intervenors’ October 31 motion to compel EKPC to respond to that request. The privilege claim is baseless and, regardless, EKPC has waived any argument to the contrary. As such, EKPC’s contention that it “needs additional time to evaluate this portion” of the PSC’s December 4 Order lacks credibility.

Despite the spurious nature of EKPC's motion for an enlargement of time, Intervenor do not oppose EKPC having an extra ten days to respond to requests 19(b), 19(c), 21, and 28(a) so long as the deadline for filing written comments or requesting an informal conference is similarly continued by ten days to January 14, 2013.

Respectfully submitted,



JOE F. CHILDERS

JOE F. CHILDERS & ASSOCIATES
300 Lexington Building
201 West Short Street
Lexington, Kentucky 40507
859-253-9824
859-258-9288 (facsimile)

Of counsel:

Kristin Henry
Sierra Club
85 Second Street
San Francisco, CA 94105
Phone: (415) 977-5716
Fax: (415) 977-5793
kristin.henry@sierraclub.org

Shannon Fisk
Earthjustice
156 William Street, Suite 800
New York, NY 10038
Phone: (215) 327-9922
sfisk@earthjustice.org

Dated: December 13, 2012

CERTIFICATE OF SERVICE

I certify that I had filed with the Kentucky Public Service Commission and served a copy of this **RESPONSE OF SONIA MCELROY AND SIERRA CLUB TO EAST KENTUCKY POWER COOPERATIVE'S MOTION FOR ENLARGEMENT OF TIME** via electronic mail and U.S. Mail on December 14, 2012 to the following:

Mark David Goss
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B130
Lexington, KY 40504
mdgoss@gosssamfordlaw.com

Michael L. Kurtz
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202
mkurtz@bkllawfirm.com



JOE F. CHILDERS