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JUN 22 2012

PUBLIC SERVICE
COMMISSION

Via Overnight Mail

June 21, 2012

Mr. Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: Case No. 2012-00226

Dear Mr. Derouen:

Please find enclosed the original and twelve (12) copies of the MOTION FOR CLARIFICATION OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC for filing in the above-referenced docket.

By copy of this letter, all parties listed on the Certificate of Service have been served. Please place this document of file.

Very Truly Yours,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody M. Kyler, Esq.

BOEHM, KURTZ & LOWRY

MLKkew
Attachment

cc: Certificate of Service
Faith Burns, Esq.
Richard Raff, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy via electronic mail (when available) and regular U.S. Mail to all parties on this 21ST day of June, 2012.



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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 22 2012

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF: THE APPLICATION OF :
KENTUCKY POWER COMPANY TO WITHDRAW ITS :
TARIFF RTP PENDING SUBMISSION BY THE : **Case No. 2012-00226**
COMPANY AND APPROVAL BY THE COMMISSION :
OF A NEW REAL-TIME PRICING TARIFF :

**MOTION FOR CLARIFICATION OF
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.**

Kentucky Industrial Utility Customers, Inc. (“KIUC”) respectfully moves the Kentucky Public Service Commission (“Commission”) to clarify its Order issued June 21, 2012 (“Order”) in this proceeding. In the Order, the Commission notes Kentucky Power Company’s (“Kentucky Power”) request that the Commission prohibit any customers from taking service under existing Tariff RTP in the event the Commission is unable to act on Kentucky Power’s request to withdraw the tariff by June 27, 2012, or the Commission elects not to permit Tariff RTP to be withdrawn prior to July 1, 2012. In response to Kentucky Power’s request, the Commission states that it “*will take under advisement the issue of the reasonableness of prohibiting any customers from taking service under Tariff RTP after July 1, 2012.*”¹

The Commission’s language is somewhat ambiguous regarding what issue the Commission is taking under advisement and whether customers are immediately barred from taking service under existing Tariff RTP. If the Commission is taking under advisement the issue of whether Kentucky Power’s customers should immediately be prohibited from taking service under existing Tariff RTP,

¹ Order at 3.

then the Commission would effectively be pre-deciding this case. If that is the issue under advisement, then the Commission's language would, in essence, suspend the operation of existing Tariff RTP until the Commission decides that issue sometime after July 1, 2012. Consequently, customers who gave notice of their desire to take service under existing Tariff RTP prior to July 1, 2012 would effectively be barred from doing so during the Commission's investigation in this proceeding. This would largely render the issues in this case moot. Immediately prohibiting customers from taking service under existing Tariff RTP would be inappropriate given that Tariff RTP is a lawful filed rate and the Commission has not yet conducted its investigation into whether withdrawal of existing Tariff RTP is reasonable.

KIUC interprets the Commission's language to reflect that the Commission is taking under advisement whether new customers could take service under existing Tariff RTP *after* July 1, 2012. Under this interpretation, customers who gave notice of their desire to take service under existing Tariff RTP *prior* to July 1, 2012 would be permitted to do so during the Commission's investigation in this proceeding. A number of individual KIUC members have already given such notice to Kentucky Power. Once the Commission makes its determination in this case, those customers will either continue taking service under existing Tariff RTP or, if the Commission ultimately approves proposed Rider RTP, those customers would determine whether to switch to standard tariff rates or to take service under Rider RTP. KIUC requests that the Commission confirm that KIUC's interpretation is correct.

Therefore, the Commission should clarify that it is not effectively pre-deciding this case and should expressly state that customers who gave notice of their desire to take service under existing Tariff RTP prior to July 1, 2012 will be permitted to take service under existing Tariff RTP during the Commission's investigation in this proceeding.

Respectfully submitted,



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JUNE 21, 2012