



RECEIVED

MAY 20 2013

PUBLIC SERVICE
COMMISSION

Via Courier

May 20th, 2013

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

Re: Docket CASE NO. 2012-00578

Dear Mr. Derouen:

Enclosed for the filing are an original and ten copies of the *MOTION FOR ADMISSION PRO HAC VICE* and a certificate of service in docket 2012-00578 before the Kentucky Public Service Commission. This filing contains no confidential information.

Sincerely,

Ruben Mojica
Sierra Club Environmental Law Program
85 2nd Street, 2nd Floor
San Francisco CA, 94105
(415)977-5737

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

APPLICATION OF KENTUCKY POWER COMPANY FOR (1) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE TRANSFER TO THE COMPANY OF AN UNDIVIDED FIFTY PERCENT INTEREST IN THE MITCHELL GENERATING STATION AND ASSOCIATED ASSETS; (2) APPROVAL OF THE ASSUMPTION BY KENTUCKY POWER COMPANY OF CERTAIN LIABILITIES IN CONNECTION WITH THE TRANSFER OF THE MITCHELL GENERATING STATION; (3) DECLARATORY RULINGS; (4) DEFERRAL OF COSTS INCURRED IN CONNECTION WITH THE COMPANY'S EFFORTS TO MEET FEDERAL CLEAN AIR ACT AND RELATED REQUIREMENTS; AND (5) ALL OTHER REQUIRED APPROVALS AND RELIEF

Case No. 2012-00578

MOTION FOR ADMISSION *PRO HAC VICE*

COME the Intervenors Alexander Desha, Tom Vierheller, Beverly May, and Sierra Club (collectively "Intervenors"), by and through counsel, and hereby move for the admission *pro hac vice* of Robb W. Kapla as counsel for said Intervenors. Mr. Kapla's business address is 85 Second St., San Francisco, CA 94105.

Attached hereto as Exhibit A is the Kentucky Bar Association out-of-state certification form certifying that Mr. Kapla has paid the fee for admission required by SCR 3.030(2). Mr.

Kapla is a member in good standing of the State Bar of California (CA Bar No. 238896), and is not under suspension or disbarment from any bar.

WHEREFORE, the Commission is hereby requested to enter an Order permitting Mr. Kapla to appear *pro hac vice* in this case.

Dated: May 17, 2013

Respectfully submitted,



Joe Childers, Esq.
Joe F. Childers & Associates
300 Lexington Building
201 West Short Street
Lexington, Kentucky 40507
P: 859-253-9824
F: 859-258-9288

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

APPLICATION OF KENTUCKY POWER COMPANY FOR (1) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE TRANSFER TO THE COMPANY OF AN UNDIVIDED FIFTY PERCENT INTEREST IN THE MITCHELL GENERATING STATION AND ASSOCIATED ASSETS; (2) APPROVAL OF THE ASSUMPTION BY KENTUCKY POWER COMPANY OF CERTAIN LIABILITIES IN CONNECTION WITH THE TRANSFER OF THE MITCHELL GENERATING STATION; (3) DECLARATORY RULINGS; (4) DEFERRAL OF COSTS INCURRED IN CONNECTION WITH THE COMPANY'S EFFORTS TO MEET FEDERAL CLEAN AIR ACT AND RELATED REQUIREMENTS; AND (5) ALL OTHER REQUIRED APPROVALS AND RELIEF

Case No. 2012-00578

ORDER

On May 17, 2013, Joe F. Childers, an attorney licensed to practice law in the Commonwealth of Kentucky, who is representing Intervenor Sierra Club, moved the Commission to admit *pro hac vice* Robb W. Kapla, an attorney whose office is in the state of California, to practice law before the Commission in this case on behalf of Intervenor Alexander Desha, Tom Vierheller, Beverly May, and Sierra Club. In support of the request, Mr. Kapla has shown that he is a member in good standing of another state bar and has been certified to practice before the Commission in this case by the Kentucky Bar Association under Supreme

Court Rule 3.030(2). In addition, Mr. Kapla has agreed to be subject to the jurisdiction and rules of the Commission and the Kentucky Bar Association.

IT IS THEREFORE ORDERED that Robb W. Kapla is admitted *pro hac vice* for the purpose of representing Intervenors Alexander Desha, Tom Vierheller, Beverly May, and Sierra Club in the above-styled proceeding provided that Joe F. Childers of Joe F. Childers & Associates, 300 Lexington Building, 201 West Short Street, Lexington, KY 40507, or another member of the Kentucky Bar Association, acts as co-counsel and is present at any and all proceedings before this Commission.

By the Commission

ATTEST:

Executive Director

CERTIFICATE OF SERVICE

I certify that I mailed a copy of the foregoing Motion for Admission *Pro Hac Vice* and Proposed Order by US Mail on May 20, 2013 to the following:

Burns E Mercer
Manager
Meade County R.E.C.C.
P. O. Box 489
Brandenburg, KY 40108-0489

Honorable James M Miller
Attorney at Law
Sullivan, Mountjoy, Stainback & Miller, PSC
100 St. Ann Street
P.O. Box 727
Owensboro, KENTUCKY 42302-0727

G. Kelly Nuckols
President & Ceo
Jackson Purchase Energy Corporation
2900 Irvin Cobb Drive
P. O. Box 4030
Paducah, KY 42002-4030

Billie J Richert
Vice President Accounting, Rates & CFO
Big Rivers Electric Corporation
201 Third Street
Henderson, KY 42419-0024

Donald P Seberger
Rio Tinto Alcan
8770 West Bryn Mawr Avenue
Chicago, ILLINOIS 60631

Melissa D Yates
Attorney
Denton & Keuler, LLP
555 Jefferson Street
P. O. Box 929
Paducah, KENTUCKY 42002-0929

Mark A Bailey
President CEO
Big Rivers Electric Corporation
201 Third Street Henderson, KY 42419-0024

Honorable Thomas C Brite
Attorney At Law
Brite & Hopkins, PLLC
83 Ballpark Road
P.O. Box 309
Hardinsburg, KENTUCKY 40143


David Brown
Stites & Harbison, PLLC
1800 Providian Center
400 West Market Street
Louisville, KENTUCKY 40202

Joe Childers
Joe F. Childers & Associates
300 Lexington Building
201 West Short Street
Lexington, KENTUCKY 40507

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

J. Christopher Hopgood
Dorsey, King, Gray, Norment & Hopgood
318 Second Street
Henderson, KENTUCKY 42420

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



Ruben Mojica

EXHIBIT A

KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET
FRANKFORT, KENTUCKY 40601-1812

(502) 564-3795

FAX (502) 564-3225

www.kybar.org

OFFICERS

W. Douglas Myers
President

Thomas L. Rouse
President-Elect

William E. Johnson
Vice President

Margaret E. Keane
Past President

YOUNG LAWYERS
Jacqueline S. Wright
Chair

EXECUTIVE DIRECTOR
John D. Meyers

BOARD OF GOVERNORS

Douglas C. Ballantine

Anita M. Britton

Douglas Farnsley

Jonathan Freed

William R. Garmer

Richard Hay

Serietta G. Jagers

Thomas N. Kerrick

David V. Kramer

Earl M. McGuire

Bobby Rowe

J. Stephen Smith

R. Michael Sullivan

M. Gail Wilson



KENTUCKY BAR ASSOCIATION OUT-OF-STATE CERTIFICATION FORM


COURT Kentucky Public Service Commission

CASE NO. 2012-00578

SCR 3.030 Membership, practice by nonmembers and classes of membership

(2) A person admitted to practice in another state, but not in this state, shall be permitted to practice a case in this state only if that attorney subjects himself or herself to the jurisdiction and rules of the court governing professional conduct, pays a per case fee of \$270.00 to the Kentucky Bar Association and engages a member of the association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. No motion for permission to practice in any state court in this jurisdiction shall be granted without submission to the admitting court of a certification from the Kentucky Bar Association of receipt of this fee.

The Kentucky Bar Association certifies that Robb W. Kapla has paid the per case fee of \$270.00 in the above referenced case as required in SCR 3.030(2).



Michele M. Pogrotsky, Deputy Registrar