

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 17 2013

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

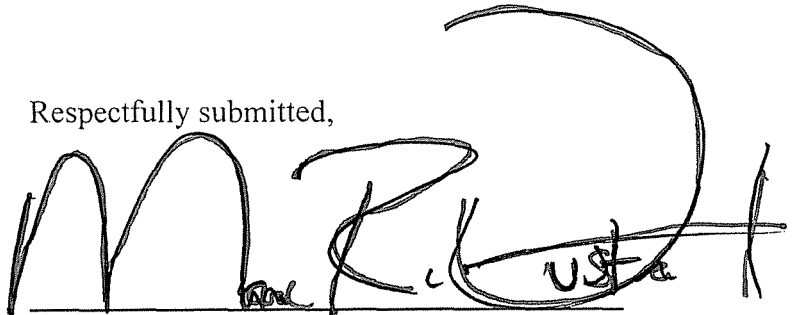
**Kentucky Power Company's Motion To Deviate From The Commission's Rules And To File Its Response In Opposition To Lawrence County's Motion To Intervene Out Of Time**

Kentucky Power Company ("Kentucky Power" or "Company") moves the Commission pursuant to 807 KAR 5:001, Section 21 for leave to file its Response in Opposition to Lawrence County's ("County") Motion to Intervene ("Motion") out of time. The County's Motion was filed with the Commission on June 7, 2013. As such, Kentucky Power's response would have been due no later than Friday, June 14, 2013. 807 KAR 5:001, Section 5(2).

The County's Motion includes a Certificate of Service that states that the County mailed copies of the Motion to Kentucky Power's counsel in both Frankfort and Lexington. However, as of the date of this filing, neither counsel has received a copy of the Motion via U.S. Mail. Kentucky Power first became aware of the Motion on the afternoon of June 14, 2013 when its counsel visited the Commission's website to review another document filed in this case.

Having only become aware of the motion on June 14, and lacking the ability to prepare a response prior to the Commission's offices closing at 5:00 p.m. on June 14, 2013, Kentucky Power has been significantly prejudiced by the apparent failure to date of the United States Postal Service to deliver the motion to the Company's Lexington and Frankfort counsel. Accordingly, the Company respectfully requests leave to file its tendered Response out of time. Grant of the requested relief will not prejudice Lawrence County or unduly delay this proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet'. The signature is stylized and includes a large, sweeping flourish that extends upwards and to the right, resembling a large 'D' or a similar shape. The signature is written over a horizontal line.

Mark R. Overstreet  
R. Benjamin Crittenden  
STITES & HARBISON PLLC  
421 West Main Street  
P. O. Box 634  
Frankfort, Kentucky 40602-0634  
Telephone: (502) 223-3477

Kenneth J. Gish, Jr.  
STITES & HARBISON PLLC  
250 West Main Street, Suite 2300  
Lexington, Kentucky 40507  
Telephone: (859) 226-2300

COUNSEL FOR KENTUCKY POWER  
COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by first class mail, postage prepaid, upon the following parties of record, this 17<sup>th</sup> day of June, 2013.

Michael L. Kurtz  
Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
Suite 1510  
36 East Seventh Street  
Cincinnati, OH 45202

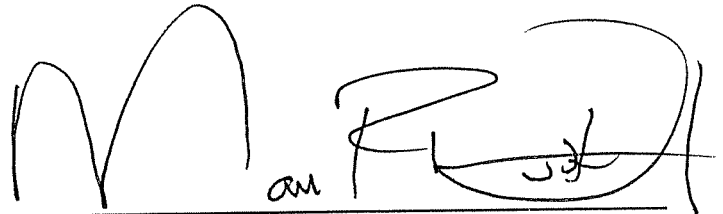
Joe F. Childers  
Joe F. Childers & Associates  
300 The Lexington Building  
201 West Short Street  
Lexington, KY 40507

Jennifer Black Hans  
Dennis G. Howard II  
Lawrence W. Cook  
Assistant Attorney General  
Office for Rate Intervention  
P.O. Box 2000  
Frankfort, KY 40602-2000

Robb Kapla  
Sierra Club  
85 Second Street  
San Francisco, CA 94105

Michael T. Hogan  
Lawrence County Attorney  
122 South Main Cross Street  
Louisa, KY 41230

Shannon Fisk  
Earthjustice  
1617 JFK Boulevard, Suite 1675  
Philadelphia, PA 19103

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', written over a horizontal line. The signature is stylized and cursive.

Mark R. Overstreet