

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
SEP 22 2004  
PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

JOINT APPLICATION OF LOUISVILLE GAS )  
AND ELECTRIC COMPANY, METRO HUMAN )  
NEEDS ALLIANCE, PEOPLE ORGANIZED AND )  
WORKING FOR ENERGY REFORM AND ) CASE 2004 - 00304  
KENTUCKY ASSOCIATION FOR COMMUNITY )  
ACTION FOR THE ESTABLISHMENT OF A )  
HOME ENERGY ASSISTANCE PROGRAM )

**RESPONSE OF ROBERT L. MADISON TO LG&E REQUEST FOR  
RECONSIDERATION DATED 17 SEP 2004**

THIS IS THE RESPONSE OF ROBERT L. MADISON TO THE LG&E REQUEST FOR RECONSIDERATION AND THE LG&E RESPONSE TO MY REQUEST FOR RECONSIDERATION. THE LG&E LETTER WAS DATED 17 SEP 2004. MY LETTER WAS DATED 15 SEP 2004.

ROBERT L. MADISON MOVES TO PSC TO DENY THE LG&E MOTION FOR RECONSIDERATION, WHICH WOULD REVOKE MY CURRENT LIMITED INTERVENTION STATUS, AND TO DENY THE LG&E OPPOSITION TO AND RESPONSE TO MY REQUEST FOR RECONSIDERATION FOR FULL INTERVENTION AND THE ADDITION OF A BRIEFING SCHEDULE.

IN SUPPORT OF MY MOTION AND OPPOSED TO THE LG&E MOTION, I STATE THE FOLLOWING :

1. THE LG&E RESPONSE ARGUES THAT THE ATTORNEY GENERAL, WHO HAS NOW BEEN GRANTED INTERVENTION IN THIS CASE, IS ADEQUATELY REPRESENTING MY POSITION(S) AND THEREFORE I HAVE NO SPECIAL INTEREST UNDER THE REGULATIONS.

2. THE AG HAS MADE STATEMENTS THAT REFUTE THE LG&E ARGUMENT.

THE AG IN CASE 2004 - 00103 (AN ADJUSTMENT OF THE RATES OF KENTUCKY AMERICAN WATER COMPANY), IN A LETTER DATED 24 JUNE 2004 ADDRESSED THE ISSUE WHERE THE UTILITY HAS MADE A CLAIM THAT FULL INTERVENTION OF A PARTY SHOULD BE DENIED BECAUSE THE ATTORNEY GENERAL HAS RECEIVED FULL INTERVENTION AND THEREFORE THE REQUESTER HAS NO SPECIAL INTEREST UNDER THE REGULATION (807 KAR 5: 001 (3) (8)). THE AG LETTER HAS THE FOLLOWING STATEMENTS :

KENTUCKY - AMERICAN WATER COMPANY OPPOSES FLOW'S MOTION ARGUING ... THAT FLOW'S " MOTION MUST BE DENIED BECAUSE KENTUCKY AMERICAN WATER'S CUSTOMERS' INTERESTS ARE ALREADY FULLY

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REPRESENTED BY THE ATTORNEY GENERAL " ... " (PAGE 1)

" THE ATTORNEY GENERAL ... DOES NOT BELIEVE THAT HIS PARTICIPATION IS A PROPER BASIS FOR DENYING ALL REQUESTS FOR INTERVENTION MADE UNDER A " SPECIAL INTEREST " CLAIM. " (PAGE 3)

" IT DOES NOT PROVIDE KENTUCKY - AMERICAN WITH A SWORD FOR USE AGAINST A PARTY WHOSE VIEWS OR ADVOCACY MAY DIFFER FROM THOSE OF KENTUCKY - AMERICAN. " (PAGE 3)

" TAKEN TO ITS LOGICAL CONCLUSION, KENTUCKY - AMERICAN SUGGESTS THAT NO PARTY COULD SATISFY THE " SPECIAL INTEREST " GROUNDS FOR INTERVENTION IN ANY CASE IN WHICH THE ATTORNEY GENERAL IS A PARTY. THAT PRODUCES AN ABSURD RESULT. " (PAGE 4)

" THE ATTORNEY GENERAL AGREES THAT THE INTERVENTION RULES SHOULD BE LIBERALLY CONSTRUED IN FAVOR OF ALLOWING THE INTERVENTION OF INDIVIDUAL CUSTOMERS OR CUSTOMER GROUPS THAT HAVE A DIRECT INTEREST IN THE DECISION THAT THE COMMISSION WILL RENDER. " (PAGE 5)

" ... THE COMMISSION SHOULD CONTINUE TO KEEP OPEN THE DOOR TO CUSTOMERS AND CUSTOMER GROUPS WHO HAVE A DIRECT INTEREST IN THE PROCEEDING AND WHO SEEK TO PARTICIPATE AND CONTRIBUTE TO THE REGULATORY PROCESS. " (PAGE 5)

I CERTIFY THAT ON 21 SEP 2004, COPIES OF THIS RESPONSE OF ROBERT L. MADISON WERE MAILED, REGULAR MAIL, TO ALL PARTIES OF RECORD.

SINCERELY,



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