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August 30, 2006

Ms. Beth O'Donnell  
Executive Director  
Public Service Commission  
PO Box 615  
211 Sower Blvd.  
Frankfort, KY 40602-0615

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AUG 31 2006

PUBLIC SERVICE  
COMMISSION

Re: Cumberland Valley Electric, Inc. v. Kentucky Utilities, Inc.  
Case No. 2006-00148

Dear Ms. O'Donnell:

Attached are the original and eleven copies of the Motion of Cumberland Valley Electric, Inc. for Ruling and Procedural Schedule in the above-styled case. I have this day served a copy of the Motion by first class mail on the parties named on the attached service list.

Please call if you have any questions concerning this filing. Thank you.

Sincerely,



Anthony G. Martin

Attorney for Cumberland Valley Electric, Inc.

Cc: Attached Service List [w/enclosure]

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**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**CUMBERLAND VALLEY ELECTRIC, INC.** )  
 )  
 **COMPLAINANT** )  
 )  
**vs.** )  
 )  
 **KENTUCKY UTILITIES COMPANY** )  
 )  
 **DEFENDANT** )

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AUG 31 2006

PUBLIC SERVICE  
COMMISSION

**CASE NO. 2006-00148**

**CUMBERLAND VALLEY ELECTRIC, INC'S MOTION  
FOR RULING AND PROCEDURAL SCHEDULE**

Comes now Cumberland Valley Electric, Inc. ("CVE"), by counsel, and files this Motion requesting a expeditious ruling on the Motion to Dismiss filed by Kentucky Utilities ("KU") on April 26, 2006, and on the requests for findings and relief made by CVE in its Response to said Motion dated May 1, 2006. As grounds for this Motion, CVE states as follows.

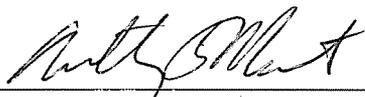
On April 7, 2006, CVE filed the complaint that initiated this proceeding. The issue in the Complaint is whether CVE or KU should be the retail electric supplier for Stillhouse Mine No. 2, whose portal is located in the exclusive service territory of CVE. KU has been providing service to this mine through a customer owned distribution line since at least the early summer of 2005. No Commission approval has ever been given for KU to provide such service.

In response to the Commission's directive, KU filed its Answer and also a Motion to Dismiss CVE's Complaint on April 26, 2006. CVE filed its Response to KU's Motion to Dismiss on May 1, 2006, and requested that the Commission make certain findings and direct certain actions as specified on pages 14-16 of CVE's Response. On May 12, 2006, KU filed a Brief in further support of its Motion to Dismiss.<sup>1</sup>

Nearly five months have passed since CVE filed its Complaint, and almost four months have passed since the filing of the last pleading in this proceeding. To date, the Commission has not issued a ruling on KU's Motion to Dismiss, CVE's requests for findings and relief, or to establish a procedural schedule to resolve any remaining issues.

WHEREFORE, CVE respectfully moves that the Commission rule on KU's Motion to Dismiss, and on CVE's requested findings and relief, as soon as possible. CVE further requests that the Commission Order establish a procedural schedule to resolve any remaining issues.

Respectfully submitted,



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<sup>1</sup> The facts and arguments setting forth the parties' positions on these issues are set forth at length in the referenced pleadings, and are therefore not repeated except as necessary herein.

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**ATTORNEYS FOR COMPLAINANT  
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