

Geoffrey M. Young  
454 Kimberly Place  
Lexington, KY 40503  
phone: 859-278-4966  
email: energetic@windstream.net

October 3, 2008

PUBLIC SERVICE COMMISSION

Stephanie Stumbo, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard, PO Box 615  
Frankfort, Kentucky 40602-0615

RECEIVED  
OCT 6 2008  
PUBLIC SERVICE  
COMMISSION

Re: Case No. 2008-00248

Dear Ms. Stumbo:

Please find attached for filing with the Commission an original and ten copies of a Letter of Inquiry related to the above-referenced proceeding.

Sincerely,



Geoffrey M. Young

Enclosures

cc: Parties listed on the Certificate of Service

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

OCT 6 2008

PUBLIC SERVICE  
COMMISSION

In the Matter of:

THE 2008 INTEGRATED RESOURCE PLAN ) CASE NO.  
OF DUKE ENERGY KENTUCKY, INC. ) 2008-00248

---

LETTER OF INQUIRY

---

This letter is an inquiry concerning when an Order is expected to be issued regarding my application for full intervention in the above-styled proceeding.

I brought an original and ten copies of my application to a Lexington post office on August 29, 2008 and paid for regular first class postage to the PSC's address in Frankfort. I have good reason to believe the package was postmarked and started its journey toward Frankfort on August 29. At the same time, I mailed copies to Assistant Attorney General Dennis G. Howard II, Carl Melcher, and Florence Tandy. On Sunday, August 31, 2008, I realized that I had forgotten to send a copy of my application to Duke Energy. I made another copy and placed it in a US Postal Service mailbox, first-class postage prepaid, on August 31.

Monday, September 1, 2008, was Labor Day, a national holiday. To the best of my knowledge, no mail was delivered that day. That day was also the date on the procedural schedule that read, "Motions to intervene may be filed no later than..." The Commission apparently received and applied its stamp to my application on Tuesday, September 2, 2008, and a copy of my letter regarding my notification of Duke Energy on September 3. My understanding is that it is the Commission's routine policy to extend the due date for

documents to the next business day if the date falls on a weekend or holiday.

In my 15 years of experience working on various utility cases before the Commission, the only times I can recall having seen due dates for petitions to intervene listed on procedural schedules have been during 2008. My memory may not be flawless on this point, but I recall that during most of the last 15 years, any party would have been allowed to file a request for full intervention at almost any time during the course of a given proceeding. If they had been granted full intervention, they would normally have been expected to follow the procedural schedule then in effect. If they had asked the Commission to allow them to submit documents for which the due date had already passed, the Commission would have tended to deny the request, making the late intervenor bear the consequences of its tardiness.

The definition of the term “filed” is not entirely clear to me. I am unsure whether, in the case of an application for intervention, the term “filed” refers to the date when the documents were deposited in a post office or mailbox, or whether it refers to the date when the Commission receives the document and stamps it in. My uncertainty is all the greater when the due date falls on a national holiday.

In a recent proceeding, the attorney representing another environmentalist, Cathy Cunningham, mailed their petition for full intervention on June 13, 2008, the date on which the procedural schedule stated, “Motions to intervene may be filed no later than...” The petition was apparently received by and stamped in at the Commission on June 16, 2008. The Commission did not do anything to indicate that their petition was too late, and issued an Order denying them full intervenor status. (*In the Matter of: The 2008 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company,*

Case No. 2008-00148)

Table 1 below reflects the items displayed on the Commission's web site as of this afternoon, Friday, October 3, 2008. I would like to offer a few observations about certain of these items:

1) Items 4 and 6 are virtually identical; one of them could reasonably be removed from the record.

2) Item 5 appears to have been included in the record of this proceeding by mistake and could reasonably be removed from the record.

3) Item 13, while nicely written, does not appear to have any relevance to this proceeding and could reasonably be removed from the record.

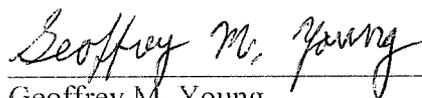
Notably absent from the case record is any Order by the Commission that either grants or denies my petition for full intervention.

As of Friday, October 3, 2008, 30 or 31 days will have elapsed since my petition was received by the Commission.

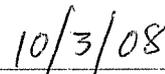
Justice delayed is justice denied.

**WHEREFORE**, I respectfully request that the Commission issue an Order at its earliest convenience stating whether it is granting me full intervenor status in the above-captioned proceeding.

Respectfully submitted,



Geoffrey M. Young  
454 Kimberly Place  
Lexington, KY 40503  
Phone: 859-278-4966  
E-mail: energetic@windstream.net

  
Date

**Table 1 – Items listed on the PSC’s web site as of October 3, 2008**

psc.ky.gov - /pscscf/2008 cases/2008-00248/

[To Parent Directory]

- 1 Tuesday, September 02, 2008 10:27 AM 923780 Duke Energy\_Application for Rehearing\_090208.pdf
- 2 Monday, July 07, 2008 9:22 AM 27089781 Duke\_Application & Petition\_070108.pdf
- 3 Monday, September 29, 2008 10:59 AM 1223460 Duke\_Responses to First Request\_092908.pdf
- 4 Wednesday, September 17, 2008 1:50 PM 51662 Geoffrey M. Young\_Certificate of Service\_090308.pdf
- 5 Thursday, September 04, 2008 12:02 PM 143936 Geoffrey M. Young\_Letter\_090208.pdf
- 6 Wednesday, September 03, 2008 1:02 PM 70685 Geoffrey M. Young\_Letter\_090308.pdf
- 7 Tuesday, September 02, 2008 3:03 PM 267592 Geoffrey M. Young\_Petition\_090208.pdf
- 8 Monday, September 15, 2008 3:29 PM 240405 PSC\_Data Request\_091508.pdf
- 9 Wednesday, July 02, 2008 9:48 AM 65146 PSC\_Letter\_070108.pdf
- 10 Wednesday, August 13, 2008 3:35 PM 93198 PSC\_Letter\_081308.pdf
- 11 Thursday, August 21, 2008 12:29 PM 141301 PSC\_Order\_082108.pdf
- 12 Friday, September 19, 2008 11:08 AM 198385 PSC\_Order\_091908.pdf
- 13 Thursday, October 02, 2008 3:18 PM 176426 PSC\_Response to Young\_100208.pdf

(Note: I added the numbers on the left side for ease of reference.)

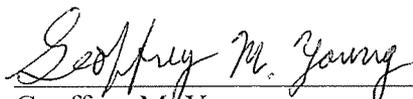
**CERTIFICATE OF SERVICE**

I hereby certify that an original and ten copies of the foregoing Letter of Inquiry were mailed to the office of Stephanie Stumbo, Executive Director of the Kentucky Public Service Commission, 211 Sower Boulevard, PO Box 615, Frankfort, Kentucky 40602-0615, and that copies were mailed to the following parties on this 3rd day of October, 2008.

Hon. Rocco D'Ascenzo  
Duke Energy, Legal Department  
139 East Fourth Street, Room 2500 AT II  
P.O. Box 960  
Cincinnati, OH 45201-0960

Dennis G. Howard II  
Office of the Attorney General  
Utility & Rate Intervention Division  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204

Signed,

  
\_\_\_\_\_  
Geoffrey M. Young

10/3/08  
\_\_\_\_\_  
Date