

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADJUSTMENT OF GAS AND ELECTRIC RATES)
OF LOUISVILLE GAS AND ELECTRIC COMPANY) CASE NO. 10064

O R D E R

On October 27, 1988, Save the Valley ("STV") filed a motion requesting that the testimony of Louisville Gas and Electric Company's ("LG&E") witness Charles Markel be rescheduled to allow cross examination by STV. The grounds for the motion are STV's claim that it did not receive notice of the September 27, 1988 hearing at which Mr. Markel testified.

LG&E filed a response in opposition to STV's motion on October 31, 1988. LG&E states that STV neither requested, nor was granted, intervention in this proceeding and, therefore, has no right to request any relief from the Commission. Further, since STV was not a party to this case, it was not entitled to any notice of the scheduling of witnesses. LG&E also states that STV had adequate notice of the commencement of the hearing but chose not to attend. On November 1, 1988, Jefferson County, Kentucky ("County") also filed a response in opposition to STV's motion. County states that it agrees with the position set forth by LG&E and, further, that it would be a disservice to the parties and the public to allow additional proceedings which will delay the Commission's adjudication.

Based on the motion, the responses, and the evidence of record, the Commission hereby finds that STV never filed a motion to intervene in this case and no Commission Order was entered granting intervention. Therefore, STV is not a party to this case and is not entitled to file motions or to receive personal notice of hearings scheduled. However, STV did receive actual notice of the rehearing at which LG&E and intervenor witnesses testified and were cross-examined. In response to LG&E's request during the rehearing, and by mutual agreement of all parties in attendance, the Commission adjourned the hearing for 4 days to accommodate a medical infirmity of Mr. Markel. Had STV been present at the rehearing it would have known of adjourned date. Pursuant to the Commission's Rules of Procedure, 807 KAR 5:001, Section 1(3), no further notice of the adjourned date is required.

IT IS THEREFORE ORDERED that STV's motion to reschedule the testimony of Mr. Markel be and it hereby is denied.

Done at Frankfort, Kentucky, this 14th day of November, 1988.

PUBLIC SERVICE COMMISSION

Richard D. Hemmer Jr.
Chairman

Robert M. Davis
Vice Chairman

Spencer W. Williams Jr.
Commissioner

ATTEST:

Executive Director