

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION INTO THE CUSTOMER DEPOSIT) CASE NO.
POLICY OF KENTUCKY POWER COMPANY) 89-057

O R D E R

On June 7, 1989, the Attorney General, by and through his Utility and Rate Intervention Division ("Attorney General"), filed motions to strike or reject the reply brief of Western Kentucky Gas ("WKG") and the amicus curiae brief of Kentucky Utilities Company ("KU"). These briefs had been filed May 31, 1989 and May 22, 1989, respectively. KU moved for full intervention on June 13, 1989. WKG has not moved to intervene, but submitted its reply brief, it believed, at the request of the Commission at the hearing held April 18, 1989.

A review of the transcript of that hearing reveals WKG to be correct; the Commission did solicit the brief of WKG. The motion to strike or reject that brief should be denied. As the amicus brief of KU sets forth the position of a utility possibly affected by the Commission's decision herein, that position should be heard and KU should be permitted a limited intervention to offer it. As the issue to be addressed by the Commission is purely a question of law, the Commission needs only the benefit of KU's legal arguments represented by that brief. The motion of KU for full intervention to offer other evidence should be denied. KU did not

move to intervene for almost 2 months after the hearing in this matter. Certainly, KU sat on its right to present the Commission with any evidence that would necessitate further hearings or further filing of factual data.

The Commission, therefore, ORDERS:


1. The motion by the Attorney General to strike or reject the reply brief of WKG is denied.

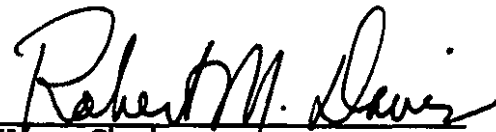
2. The motion by the Attorney General to strike or reject the amicus curiae brief of KU is denied.

3. KU is granted a limited intervention for the purpose of filing its amicus curiae brief. The motion by KU for full intervention is denied.

Done at Frankfort, Kentucky, this 30th day of June, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director