

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. 90-158

O R D E R

On May 29, 1991, the Attorney General, Utility and Rate Intervention Division ("AG"), filed a motion requesting the Commission to compel the Louisville Gas and Electric Company ("LG&E") to provide invoices in support of 62 transactions recorded in Account Nos. 131 or 232, and copies of microfiche records for the entire test year for Account Nos. 926, 930.2, 931, 908, and 923. Jefferson County, Kentucky ("Jefferson") also filed a motion to compel requesting LG&E to produce microfiche or paper copies of the microfiche records for the entire test year for Account Nos. 908, 921, 923, 924, 925, 926, 927, 928, 930.1, 930.2, 931, and 933. In addition, Jefferson requests a copy of LG&E's Diversity Agreement with East Kentucky Power Cooperative, Inc. ("East Kentucky").

On May 30, 1991, LG&E filed a response in opposition to Jefferson's motion to compel. LG&E states that the Commission lacks jurisdiction to explore on rehearing any issue that was not included in an application for rehearing pursuant to KRS 278.400 and granted by the Commission. LG&E stresses that the information sought to be produced by Jefferson does not relate to any issue

specified as a rehearing issue by the Commission's January 29, 1991 Order. LG&E also cites the Commission's November 30, 1988 Order in Case No. 10201,¹ wherein the Commission granted motions by the AG and the utility to strike rehearing testimony on issues not subject to rehearing.

Based on the motions and response, and being advised, the Commission hereby finds that KRS 278.400 limits the issues to be considered on rehearing to those that were presented in an application for rehearing and granted by the Commission. A review of the Commission's January 29, 1991 Order discloses that rehearing was granted on four specific, technical issues: 1) adjusting capitalization to reflect the adjustment to accumulated depreciation; 2) downsizing costs; 3) storm damage expenses; and 4) Office Supplies and Expenses-Account No. 3-921. Neither the AG's motion, nor Jefferson's, discusses how the documents sought to be compelled are relevant to the issues subject to rehearing.

The Commission's May 10, 1991 Order noted that downsizing costs were recorded in numerous accounts, including Nos. 923, 926, 930.1, 930.2, and 931. Accordingly, the Commission will grant the motions to compel to the extent that LG&E should provide copies of the microfiche cards for each month of the test period for Account Nos. 923, 926, 930.1, 930.2, and 931. Since LG&E previously provided copies of Account No. 921, there is no need to provide further details on this account.

¹ Case No. 10201, An Adjustment of Rates of Columbia Gas of Kentucky, Inc.

In recognition of Jefferson's statement in its motion that "the microfiche cards are really all the information that it needs," the Commission will modify the previously established briefing dates to allow the AG and Jefferson seven days to review the microfiche cards that will be produced pursuant to this Order.

IT IS THEREFORE ORDERED that:

1. The AG's and Jefferson's respective motions to compel be and they hereby are granted in part to the extent that LG&E shall provide copies of the microfiche cards for the test year for Account Nos. 923, 926, 930.1, 930.2, and 931 no later than June 6, 1991.

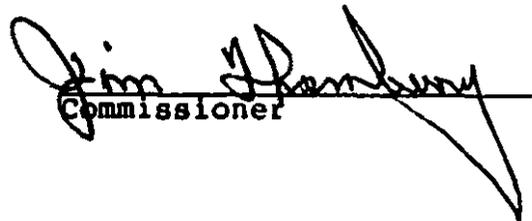
2. The Commission's May 17, 1991 Order be and it hereby is modified to the extent that briefs shall be filed by June 14, 1991 and reply briefs shall be filed by June 24, 1991.

Done at Frankfort, Kentucky, this 30th day of May, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director