

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF THE UNION LIGHT, HEAT AND )  
POWER COMPANY TO ADJUST ELECTRIC RATES ) CASE NO. 91-370

O R D E R

On February 26, 1992, Newport Steel Corporation ("Newport Steel") filed a letter, which the Commission will treat as a motion, stating its intent to file testimony in rebuttal to the direct testimony of witnesses sponsored by the Intervenor, Attorney General's office, Utility and Rate Intervention Division ("AG"). Although Newport Steel does not disclose when its rebuttal testimony will be filed, it does state that such testimony will address the issues of cost of service, rate design, the interruptible credit, and the revenue responsibility for special contract rates. On February 28, 1992, the AG filed a response and objection to the filing of rebuttal testimony by Newport Steel. The AG claims that the procedural schedule for this case does not provide for the filing of rebuttal testimony and that Newport Steel had an opportunity to file direct testimony as did all intervenors, but Newport Steel declined to do so.

On March 4, 1992, The Union Light, Heat and Power Company ("ULH&P") filed a motion requesting the Commission to amend the procedural schedule to provide for the filing of rebuttal

testimony three days after the close of cross-examination in its direct case.

Based on the motions and being advised, the Commission finds that procedural due process requires that a party have notice of the issues to be considered and an opportunity to respond to those issues. Since the issues that Newport Steel and ULH&P intend to address had not been identified as issues in this case until raised by the AG's testimony, rebuttal testimony should be allowed. The Commission further finds that any rebuttal testimony should be filed in verified, prepared form no later than March 11, 1992. Any party desiring to conduct discovery of the rebuttal testimony should do so on an informal, expedited basis. In the event that discovery cannot be so obtained, requests for discovery can be presented to the Commission during the March 17, 1992 public hearing.

IT IS THEREFORE ORDERED that:

1. Newport Steel's motion be and it hereby is granted and rebuttal testimony by any party shall be filed in verified, prepared form no later than March 11, 1992.

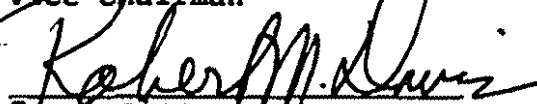
2. ULH&P's motion be and it hereby is granted in part and denied in part as provided for herein.

Done at Frankfort, Kentucky, this 4th day of March, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director