

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF ASHLAND
EXPLORATION, INC.

) CASE NO.
) 91-396

O R D E R

On July 13, 1993, the Commission entered its final Order in this proceeding concluding its investigation and establishing fair, just, and reasonable rates for Ashland Exploration, Inc. ("Ashland Exploration"). On August 3, 1993, Ashland Exploration filed a petition requesting rehearing on four issues. A response in opposition to the rehearing request was filed on behalf of Pike County Citizens United for Justice, intervenors in this proceeding.

The Commission has reviewed the grounds presented by Ashland Exploration in support of its requested rehearing and finds nothing contained therein which justifies granting rehearing.¹ Although Ashland Exploration claims the Order contains calculation errors, the Commission has reviewed the calculation of the rates and finds no error exists. Thus, Ashland Exploration's claim will not support rehearing.

¹ The first issue raised by Ashland Exploration in its rehearing request relates to the Commission's jurisdiction under KRS 278.485. Ashland Exploration raises this issue merely to preserve its right to challenge the Commission's jurisdiction pending the outcome of litigation with certain contract customers in federal court. This issue requires no action on our part.

By way of dictum, Ashland Exploration's petition for rehearing was not timely filed pursuant to KRS 278.400 which provides that any party to a Commission proceeding may request rehearing within 20 days of service of the Order. The Commission's Order was dated and issued on July 13, 1993. The certification of service by the Commission's Executive Director which accompanied the Order reflects the same date of service.

IT IS THEREFORE ORDERED that Ashland Exploration's request for rehearing be and it hereby is denied.

Done at Frankfort, Kentucky, this 23rd day of August, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director