

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY UTILITIES)
COMPANY TO ASSESS A SURCHARGE UNDER KRS)
278.183 TO RECOVER COSTS OF COMPLIANCE) CASE NO. 93-465
WITH ENVIRONMENTAL REQUIREMENTS FOR COAL)
COMBUSTION WASTES AND BY-PRODUCTS)

O R D E R

On March 10, 1994, the Attorney General's office, Utility and Rate Intervention Division ("AG"), filed a motion requesting the Commission to suspend the procedural schedule until a ruling is issued on the AG's pending motion to dismiss. The AG argues that suspending the procedural schedule which now authorizes discovery is justified by principles of administrative economy and fairness to the parties to avoid discovery that may be rendered moot by a dismissal.

Based on a review of the motion and the governing statute, KRS 278.183, the Commission hereby finds that suspending the procedural schedule would not allow sufficient time to complete the investigation and adjudicate the environmental surcharge within the statutorily mandated six months in the event the AG's pending motion is denied.

IT IS THEREFORE ORDERED that the AG's motion to suspend the procedural schedule be and it hereby is denied.

Done at Frankfort, Kentucky, this 14th day of March, 1994.

PUBLIC SERVICE COMMISSION

Linda K. Bruchett
For the Commission

ATTEST:

D. Mills
Executive Director