

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF LOUISVILLE GAS	)	
AND ELECTRIC COMPANY FOR APPROVAL	)	
OF AN AMENDED COMPLIANCE PLAN FOR	)	
PURPOSES OF RECOVERING THE COSTS	)	CASE NO.
OF NEW AND ADDITIONAL POLLUTION	)	2000-386
CONTROL FACILITIES AND TO AMEND ITS	)	
ENVIRONMENTAL COST RECOVERY	)	
SURCHARGE TARIFF	)	

O R D E R

On January 3, 2001, Intervenor Robert L. Madison filed a motion to revise the existing procedural schedule and to have the Commission send him copies of documents filed in this case and Case Nos. 2000-439<sup>1</sup> and 2000-112.<sup>2</sup> Mr. Madison specifically requests revisions to the due dates for initial and supplemental data requests to Louisville Gas and Electric Company ("LG&E"). He claims that he received notice of this case through his LG&E bill on November 21, 2000 and promptly filed to intervene, but, due to LG&E's objection, his participation was delayed.

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<sup>1</sup> Case No. 2000-439, The Application of Kentucky Utilities Company for Approval of an Amended Compliance Plan for Purposes of Recovering the Costs of New and Additional Pollution Control Facilities and to Amend Its Environmental Cost Recovery Surcharge Tariff.

<sup>2</sup> Case No. 2000-112, The Application of Kentucky Utilities Company and Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity to Construct Selective Catalytic Reduction (SCR) NOx Control Technologies.

LG&E filed an objection to the motion, stating that notice of this case was published 3 consecutive weeks in the newspaper commencing October 16, 2000. LG&E notes that Mr. Madison has already filed an initial data request and LG&E will be responding to it no later than January 8, 2001.

Based on the motion and being otherwise sufficiently advised, the Commission finds that good cause has not been shown to revise the procedural schedule as requested by Mr. Madison. Public notice of this case was given by newspaper publication in LG&E's service territory in October 2000. Other persons intervened and have adhered to the procedural schedule established by Commission Order dated November 3, 2000. In fact, Mr. Madison has already filed an initial request for information to LG&E and responses will be forthcoming.

To provide Mr. Madison an opportunity to issue a supplemental request for information, the Commission will authorize him to file such a request no later than January 12, 2001 and LG&E should respond thereto no later than January 17, 2001. The Commission well recognizes that these short time periods may cause some hardships, but this case must be adjudicated within the 6-month statutory time limit mandated by KRS 278.183(2). Absent an agreement among the parties, the Commission is unable to modify the January 19, 2001 due date for intervenor testimony.

The Commission further finds that LG&E should furnish Mr. Madison with a copy of each document filed by LG&E in this case. With respect to the record in Case No. 2000-439, which is a pending case, Mr. Madison is not an intervenor and his right to a copy falls under the Open Records Act. Similarly, a copy of Case No. 2000-112, which is a closed case, may be obtained by contacting the Commission's Filings Division and

making arrangements to pay the \$0.10 per-page fee established by the Commonwealth of Kentucky.

IT IS THEREFORE ORDERED that:

1. The motion to modify the procedural schedule filed by Mr. Madison is denied, except that he shall have until January 12, 2001 to file a supplemental request for information to LG&E, and LG&E shall file its response thereto by January 17, 2001.

2. LG&E shall furnish Mr. Madison with a copy of each document filed by LG&E in this case and not already served on him.

3. Mr. Madison, and any other party to this case, may obtain a copy of the records in Case Nos. 2000-439 and 2000-112 by filing an open records request and making arrangements to pay the per-page statutory fee.

Done at Frankfort, Kentucky, this 8<sup>th</sup> day of January, 2001.

By the Commission

ATTEST:

  
Executive Director