

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY AND KENTUCKY)	
UTILITIES COMPANY FOR A CERTIFICATE)	CASE NO.
OF PUBLIC CONVENIENCE AND NECESSITY)	2002-00381
FOR THE ACQUISITION OF FOUR)	
COMBUSTION TURBINES AND A SITE)	
COMPATIBILITY CERTIFICATE FOR THE FACILITY))	

ORDER

On February 10, 2003, The ERORA Group, LLC (ERORA) filed a motion to intervene in this proceeding alleging that the Commission s decision in this case may have a direct impact on ERORA s rights and that no other party can adequately represent its interests in this proceeding. On February 10, 2003, Louisville Gas and Electric Company and Kentucky Utilities Company (Applicants) filed an objection to ERORA s request for intervention.

807 KAR 5:001, Section 3(8), provides that a person should be granted leave to intervene if he or she has a special interest in the proceeding which is not otherwise adequately represented or his or her intervention is likely to present issues or to develop facts that assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

The Commission, having considered the motion of ERORA and the response by the Applicants and being otherwise sufficiently advised, finds that ERORA s motion should be denied.

The Applicants request a Certificate and Public Convenience and Necessity and a Site Compatibility Certificate pursuant KRS 278.020 and KRS 278.216. As such, the issues before the Commission are whether the Applicants have demonstrated that they have a demand for additional peaking generation capacity, whether their proposal meets that demand without creating a wasteful duplication of facilities, and whether the Applicants have demonstrated that the proposed facilities are compatible with the site proposed.

ERORA has not shown that it has a special interest in these issues nor that it can assist the Commission in rendering its decision. In a letter submitted by ERORA on February 6, 2003, it stated that it has no objection to the Commission approving the Applicants request. It appears that ERORA s sole interest in this case is the issue of the Applicants avoided costs, which is not a matter for consideration by the Commission in this proceeding.

IT IS THEREFORE ORDERED that the motion by ERORA to intervene is denied.

Done at Frankfort, Kentucky, this 20th day of February, 2003.

By the Commission

ATTEST:


Executive Director