

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF LOUISVILLE)
GAS AND ELECTRIC COMPANY)
FOR APPROVAL OF ITS 2004) CASE NO. 2004-00421
COMPLIANCE PLAN FOR RECOVERY)
BY ENVIRONMENTAL SURCHARGE)

THE APPLICATION OF KENTUCKY)
UTILITIES COMPANY FOR A)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY)
TO CONSTRUCT FLUE GAS) CASE NO. 2004-00426
DESULFURIZATION SYSTEMS AND)
APPROVAL OF ITS 2004)
COMPLIANCE PLAN AND RECOVERY)
BY ENVIRONMENTAL SURCHARGE)

O R D E R

On January 26, 2005, the Commission received a protest letter from Donna Brown in Case No. 2004-00421 ("LG&E Surcharge Case"). On February 2, 2005, the Commission's Executive Director wrote to Ms. Brown acknowledging receipt of the letter and informing her that, if she wanted to intervene, she would have to specifically request intervention within 10 days. On February 7, 2005, the Commission received a follow-up letter from Ms. Brown that read in full, "Yes I am in objection to the environmental surcharge and would more than gladly participate further in this proceeding." Although apparently in response to the Executive Director's letter, Ms. Brown's response did not request intervention.

Consistent with our February 10, 2005 Order in the LG&E Surcharge Case regarding the protest of Roy Smith, and the Order of the same date in Case No. 2004-00426 regarding the protest of Walter Coghill, we will treat Ms. Brown's second letter as a protest. The Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention ("Attorney General"), is a party to both of these environmental surcharge cases and is charged by statute with representing the interests of all consumers. Ms. Brown has not demonstrated to the Commission that she will not be adequately represented by the Attorney General.

The Commission will therefore place Ms. Brown's second letter in the LG&E Surcharge Case record. To the extent that Ms. Brown intended her letter to be a motion to intervene, the Commission finds that the motion should be denied without prejudice for her to renew her motion, explaining in detail why her interests are not adequately represented by the Attorney General.

The Commission does point out, however, that Ms. Brown's letters are emblematic of a series of protests in both of these cases. In light of this customer interest, the Commission will issue further Orders in these two cases setting public hearings in the Applicants' service areas for the purpose of taking public testimony.

IT IS THEREFORE ORDERED that:

1. The second letter of Donna Brown, received by the Commission on February 7, 2005, shall be placed in the official file of the LG&E Surcharge Case as a protest letter.
2. To the extent that Ms. Brown intended the letter to be a motion for limited intervention, that motion is denied without prejudice.

Done at Frankfort, Kentucky, this 17th day of February, 2005.

By the Commission

ATTEST:



Executive Director

Case No. 2004-00421
Case No. 2004-00426