

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY)	
POWER COOPERATIVE, INC. FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A)	CASE NO. 2005-00458
138 KV TRANSMISSION LINE IN)	
ROWAN COUNTY, KENTUCKY)	

O R D E R

On December 8, 2005, East Kentucky Power Cooperative, Inc. ("East Kentucky") filed an application for approval of the construction of a transmission line in Rowan County, Kentucky. Pursuant to KRS 278.020(8), "The commission shall issue its decision no later than ninety (90) days after the application is filed, unless the commission extends this period for good cause, to one hundred twenty (120) days."

On December 14, 2005, East Kentucky filed a motion requesting that the Commission "Expedite the Schedule in these proceedings to the extent that is possible," but it does not otherwise request any specific relief. The motion states as grounds for expediting the schedule that (1) the Commission will not need a consultant in this case because the need for the line is not an issue and (2) the risk of outages and high re-dispatch costs increases as long as the new line is not installed.

The Commission finds that the extension authorized by KRS 278.020(8) is warranted in this case. As the November 23, 2005 Order in this case stated, "the consultant in Case No. 2005-00089, MSB Energy Associates, Inc. . . . specifically

advised the Commission on alternative routes, and the Commission intends to use the same consultant in deciding the present case.” Moreover, the line runs through the Daniel Boone National Forest, where it has already generated significant opposition, and the Commission expects that opposition to continue in this certificate proceeding. For these reasons, the Commission finds that the time period in which it must issue a decision in this case should be extended to 120 days.

Incorporating this extension, the Commission also issues a preliminary procedural schedule setting dates for certain events. The Commission reserves the right to amend this procedural schedule as needed.

The Commission is mindful of East Kentucky’s fears of outages and high re-dispatch costs. To the degree that this case can be completed in fewer than 4 months, we will endeavor to do so, and to that extent, East Kentucky’s motion to expedite the schedule is granted. Limiting such a controversial case to no more than 3 months, however, would place very difficult restrictions on other parties and the Commission, so to the degree that the motion requested that the time for the case not be extended, it is denied.

IT IS THEREFORE ORDERED that:

1. The time period in which the Commission must issue its decision in this case is extended to 120 days.
2. The procedural schedule attached hereto as Appendix A shall apply.

Done at Frankfort, Kentucky, this 16th day of December, 2005.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2005-00458 DATED December 16, 2005

Application filed December 8, 2005

Any motion to intervene shall be filed
with the Commission no later than January 9, 2006

Any request for a public hearing
shall be filed no later than January 9, 2006

Staff consultant shall file report on
application no later than January 13, 2006

Intervenors and Staff may file data
requests on the application, and Applicant
and Intervenors may file data requests on
consultant's report no later than January 20, 2006

Responses to January 20, 2006 data
requests are due no later than January 27, 2006

Parties shall file direct testimony, if any,
no later than February 3, 2006

Public hearing shall be held at 9:00 a.m.,
Eastern Standard Time, in Hearing Room 1
of the Commission's offices, 211 Sower
Boulevard, Frankfort, Kentucky, for the
purpose of cross-examination of witnesses..... February 21, 2006

Decision due no later than..... April 7, 2006