

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)
COMPANY FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO) CASE NO. 2007-00430
CONSTRUCT A 138 KV TRANSMISSION)
LINE AND ASSOCIATED FACILITIES IN)
KNOTT COUNTY, KENTUCKY (SOFT SHELL))

O R D E R

On December 28, 2007, Kentucky Power Company ("Kentucky Power") filed a motion to cancel the February 7, 2008 hearing before the Commission and to submit the case for a decision on the record. Kentucky Power requests that the Commission issue a decision on its motion prior to January 10, 2008, which is the deadline for Kentucky Power to submit its public notice of the hearing to the newspaper of record for publication by the January 17, 2008 deadline established in the Commission's scheduling Order.

On November 16, 2007, Kentucky Power filed its application for a Certificate of Public Convenience and Necessity ("CPCN") for a 1.6 mile 138 kV transmission line and other improvements, including a new substation ("Soft Shell Station") in Knott County, Kentucky. On November 29, 2007, the Commission issued a procedural Order providing for a February 7, 2008 public hearing. The Order also established December 17, 2007 as the deadline for filing any motions to intervene as well as any

requests for a local public meeting in Knott County. The deadline for a final Order in this case is March 15, 2008.

The December 17, 2007 deadline passed without any requests for a local public meeting being filed. No one has filed any written opposition to the transmission line or the substation, and the Commission is unaware of any objection or opposition to the application. In addition, Kentucky Power notes that it served copies of its application on both the Office of the Attorney General (“AG”) and Kentucky Industrial Utility Customers, Inc. (“KIUC”), but neither the AG nor KIUC has requested intervention in this case.¹

On December 26, 2007, Commission Staff issued its Second Data Request to Kentucky Power, consisting of three questions regarding the length of construction time for the proposed project and the estimated costs of the alternative projects identified by Kentucky Power in its application. Responses to the Second Data Request are not due until January 11, 2008. However, Kentucky Power has asked that the Commission issue a decision on its motion prior to January 10, 2008, so that, if the hearing is cancelled, Kentucky Power need not publish the required public notice. In its motion, Kentucky Power states that, “[t]o the extent further information or clarification is required, Kentucky Power is prepared to provide it to the Commission in writing.”²

KRS 278.020(1) states, in relevant part:

Upon the filing of an application for a certificate, and after any public hearing which the commission may in its discretion conduct for all interested parties, the commission may issue or refuse to issue the certificate, or issue it in part

¹ Motion at 2, fn. 1.

² Motion at 2.

and refuse it in part, except that the commission shall not refuse or modify an application submitted under KRS 278.023 without consent by the parties to the agreement. (emphasis added).

It is clear from the statutory language that the Commission may, in its discretion, choose not to hold a public hearing on an application for a CPCN, if the circumstances of the particular case do not require such public hearing. In the present matter, the proposed siting of Kentucky Power's 138 kV transmission line in Knott County has not generated any interest among the public as there are no intervenors, and the Commission has not received any objection letters from the public or any other opposition to the application; the line itself is relatively short and is located entirely within one county;³ Kentucky Power has obtained 4 of the 7 necessary easements and anticipates obtaining the remainder in time for construction to begin;⁴ and Kentucky Power has agreed to answer any additional data requests the Commission may issue prior to the Commission's issuance of its final Order in this case.

Based upon the foregoing, the Commission finds that the public hearing previously scheduled for February 7, 2008 is not necessary and should be cancelled. Upon receipt of Kentucky Power's responses to Commission Staff's second data request, the Commission will take the case under submission, subject to the possible need for additional information.

³ Application at 3-4.

⁴ Id.

IT IS THEREFORE ORDERED that:

1. The formal hearing previously scheduled for February 7, 2008 at the Commission's offices in Frankfort, Kentucky is cancelled.

2. Kentucky Power shall file its responses to Commission Staff's Second Data Request no later than January 11, 2008.

3. The attached amended procedural schedule shall apply.

Done at Frankfort, Kentucky, this 7th day of January, 2008.

By the Commission

ATTEST:

Deputy 
Executive Director

Case No. 2007-00430

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2007-00430 DATED JANUARY 7, 2008

Application filed November 16, 2007

Any motion to intervene shall be filed
with the Commission no later than December 17, 2007

Any request for a public hearing
shall be filed no later than December 17, 2007

Intervenors and Staff may file data requests
on the application no later than December 28, 2007

Responses to December 28, 2007 data
requests are due no later than January 11, 2008

Staff may file supplemental data requests
on the application no later than February 15, 2008

Responses to February 15, 2008 data
requests are due no later than February 29, 2008

Decision due no later than..... March 15, 2008