

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CLARK ENERGY	)	
COOPERATIVE, INC. FOR PASS-	)	
THROUGH OF EAST KENTUCKY	)	CASE NO. 2010-00170
POWER COOPERATIVE, INC.	)	
WHOLESALE RATE ADJUSTMENT	)	

O R D E R

On May 27, 2010, Clark Energy Cooperative, Inc. ("Clark") tendered for filing an application to pass through any wholesale rate adjustment granted to its wholesale supplier, East Kentucky Power Cooperative, Inc. ("EKPC"), in Case No. 2010-00167.<sup>1</sup> Clark submitted its application pursuant to the authority of KRS 278.455(2) and proposed that the new rates become effective on July 1, 2010.

In Case No. 2010-00167, the Commission notified EKPC by letter dated June 2, 2010 that its rate application was rejected as deficient. In response to the Commission's rejection letter, EKPC filed, on June 8, 2010, the information cited in the June 2, 2010 letter. The Commission accepted the information and considered the application filed as of June 8, 2010.

Based on the June 8, 2010 filed date and the 30 days' notice requirement set forth in KRS 278.180(1), the earliest possible effective date for EKPC's proposed rates

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<sup>1</sup> Case No. 2010-00167, Application of East Kentucky Power Cooperative, Inc. for General Adjustment of Electric Rates, filed June 8, 2010.

is July 8, 2010. KRS 278.455(2) provides that the rates of a distribution cooperative shall become effective on the same date as those of its wholesale supplier. Therefore, the earliest possible effective date for Clark's proposed rates will also be July 8, 2010.

On June 21, 2010, the Commission suspended EKPC's proposed rates for six months up to and including January 7, 2011. Consequently, Clark's proposed rates may not become effective until the Commission renders a decision on EKPC's proposed rates or until EKPC's rates become effective as a matter of law.

IT IS THEREFORE ORDERED that:

1. Clark's proposed rates are suspended for six months, up to and including January 7, 2011, matching the suspension of EKPC's proposed wholesale rate increase to Clark.

2. The procedural schedule set forth in the Appendix attached hereto and incorporated herein shall be followed.

3. a. All requests for information and responses thereto shall be appropriately bound, tabbed, and indexed and the original and seven copies shall be filed with the Commission, with copies to all parties of record. Any request for information by letter from the Commission Staff shall be responded to as if set forth in a Commission Order. All responses shall include the name of the witness who will be responsible for responding to questions related to the information provided.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the

response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

4. Any party filing testimony shall file an original and 10 copies with the Commission, with copies to all parties of record.

5. Clark shall give notice of the hearing in accordance with the provisions set out in 807 KAR 5:011, Section 8(5). At the time publication is requested, Clark shall forward a duplicate of the notice and request to the Commission.

6. At any public hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.

7. Any objections or motions relating to discovery or procedural dates shall be filed upon four business days' notice or the filing party shall explain in writing why such notice was not possible.

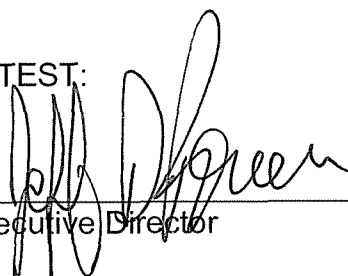
8. Motions for extension of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

9. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission

ENTERED  
JUN 29 2010 *M*  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2010-00170 DATED JUN 29 2010

All requests for information to Clark shall be filed no later than .....	07/15/10
Clark shall file responses to requests for information no later than .....	07/29/10
All supplemental requests for information to Clark shall be filed no later than.....	08/12/10
Clark shall file responses to supplemental requests for information no later than.....	08/26/10
Intervenor testimony, if any, in verified prepared form shall be filed no later than.....	09/09/10
All requests for information to Intervenors shall be filed no later than .....	09/24/10
Intervenors shall file responses to requests for information no later than .....	10/08/10
Last day for Clark to publish notice of hearing .....	To be scheduled
Public Hearing to be held in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses of Clark and Intervenors.....	To be scheduled

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