Ernie Fletcher Governor

LaJuana S. Wilcher, Secretary Environmental and Public Protection Cabinet

Christopher L. Lilly Commissioner Department of Public Protection

Honorable Bruce F. Clark Attorney at Law Stites & Harbison 421 West Main Street P. O. Box 634 Frankfort, KY 40602-0634



Commonwealth of Kentucky **Public Service Commission** 211 Sower Blvd. P.O. Box 615 Frankfort, Kentucky 40602-0615 Telephone: (502) 564-3940 Fax: (502) 564-3460 psc.ky.gov

July 27, 2006

Mark David Goss Chairman

> Teresa J. Hill Vice Chairman

Gregory Coker Commissioner

RE: Case No. 2005-00184

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Beth O'Donnell Executive Director

BOD/jc Enclosure

KentuckyUnbridledSpirit.com



An Equal Opportunity Employer WF/D

Honorable Bruce F. Clark Attorney at Law Stites & Harbison 421 West Main Street P. O. Box 634 Frankfort, KY 40602-0634

Honorable Stephen B. Seiple Attorney at Law Columbia Gas of Kentucky, Inc. 200 Civic Center Drive P.O. Box 117 Columbus, OH 43216-0117 Ralph E. Dennis Director, Regulatory Affairs Constellation NewEnergy-Gas Divsion 9960 Corporate Campus Drive Suite 2000 Louisville, KY 40223 Frederick D. Ochsenhirt Counsel for Constellation Constellation NewEnergy-Gas Divsion 9960 Corporate Campus Drive Suite 2000 Louisville, KY 40223

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CONSTELLATION NEW-ENERGY GAS DIVISION, LLC COMPLAINANT V. COLUMBIA GAS OF KENTUCKY, INC. DEFENDANT

<u>O R D E R</u>

On July 17, 2006, Constellation New-Energy Gas Division, LLC ("CNEG") filed a motion to reschedule the informal conference presently scheduled in this matter for July 28, 2006. Columbia Gas of Kentucky, Inc. ("Columbia") filed a motion on July 18, 2006 requesting that the Commission continue the procedural schedule for 1 month due to illness of its counsel. On July 20, 2006, CNEG responded to Columbia's motion and moved the Commission to hold this proceeding in abeyance through September 30, 2006. CNEG states in support of its motion for abeyance that the parties plan to meet and discuss resolution of this matter and that it has been authorized by Columbia's counsel to advise the Commission that Columbia is in agreement with the requested abeyance. CNEG further states that the parties will provide the Commission with the status of the settlement negotiations on or before September 30, 2006.

Having considered the motions and being otherwise sufficiently advised, the Commission finds that good cause has been shown to grant CNEG's motion to hold this proceeding in abeyance until September 30, 2006 and that such action renders the remaining motions moot.

IT IS THEREFORE ORDERED that:

 CNEG's motion to hold this matter in abeyance until September 30, 2006 is granted.

2. CNEG's motion of July 17, 2006 and Columbia's motion of July 18, 2006 are denied as moot.

3. The parties shall file a report on the status of their negotiations on or before September 30, 2006.

Done at Frankfort, Kentucky, this 27th day of July, 2006.

By the Commission

ATTEST Executive Director

Case No. 2005-00184