

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

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PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

**APPLICATION OF EAST KENTUCKY POWER COOPERATIVE, INC.)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY) CASE NO.
FOR THE CONSTRUCTION OF A 161kV ELECTRIC TRANSMISSION) 2005-00207
PROJECT IN BARREN, WARREN, BUTLER, AND OHIO COUNTIES, KY)**

MOTION TO COMPEL

Intervenor Joey Roberts requests that East Kentucky Power Cooperative, Inc. (EKPC) file with the Commission, and a copy to all parties of record, a proper response in a timely manner to Item 10 of the First Data Request as submitted by Mr. Roberts on August 15, 2005.

REQUEST (by Intervenor Joey Roberts): Please provide an electronic data file containing the names and mailing addresses of all individuals identified as owners of property to be "crossed by the proposed right of way" according to the certification made in Exhibit 16 of the Application and any other property owners upon whose property construction will be required by the project as currently planned by EKPC. Please provide the electronic data file on standard 3.5" floppy disks or data compact discs formatted for compatibility with Microsoft Windows operating systems and suitable for direct use within or import into Microsoft Word or Excel.

RESPONSE (by Mary Jane Warner for EKPC): "This information was provided in EKPC's Application as Exhibit XIV. The Applicant OBJECTS to the provision of this information in a specific type of format on the grounds that the Intervenor has the same ability to transfer this information into any format they desire." (as received via U S Postal Service by Intervenor Roberts on August 29th, 2005)

REBUTTAL (by Intervenor Joey Roberts): The list of property owners provided as part of the original Application in Exhibit XIV includes a number of parcels identified as not affected by the project. According to other filings and information provided by EKPC there have been significant modifications and alterations to the planned transmission line routing and design since the time of the Application. Thus the list in Exhibit XIV of the original Application is not completely up-to-date and may no longer reflect the certification made in Exhibit 16 of the Applications as listing any and all of the property to be "crossed by the proposed right of way" as currently planned. The request is for an updated listing that includes any and all "property owners upon whose property construction will be required by the project as currently planned by EKPC".

Regarding the objection to “provision of this information in a specific type of format”, no specific format was requested. Rather the request was for the data in an electronic format that could be utilized by the average citizen with a typical desktop computer running the most commonly available type of operating system and incorporating word processing software within the means of most consumers. Unfortunately the Applicant had chosen to provide Exhibit XIV as a “.pdf” file, which is a proprietary format that can be properly utilized only with the full version of Adobe Acrobat©. This commercial grade software is far too expensive for the average consumer and thus is not readily available to the Intervenors.

Therefore the Intervenors do NOT have the same ability as the Applicant to transfer this information into any format they desire. While the Applicant may wish to make it difficult for others to communicate with all the property owners that would be affected by the proposed project, it has no legal right to manipulate the provision of the data in such manner as to restrict or limit its use. The Applicant readily provided a data CD in response to Intervenors Carroll and Doris Tichenor’s “Amended First Data Request” which could easily have incorporated the data file requested by Mr. Roberts.

Intervenor Roberts requests the data in order to facilitate mailing timely notification of the now rescheduled “local public hearing” on this case along with other pertinent information to affected parties. There being no good reason why the Applicant should force the Intervenors to manually recreate the mailing list in order to communicate with all affected property owners, Mr. Roberts hereby requests that the Commission compel the Applicant to comply with the data request as explained above.

Respectfully submitted by,

Joey Roberts 8-31-05

Joey Roberts, Intervenor
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Motion to Compel** in the matter of **PSC CASE NUMBER 2005-00207** was duly served by faxing and/or mailing first-class postage prepaid to the following individuals this **31st day of August, 2005**:

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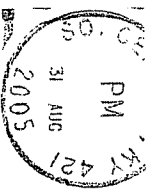
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