

**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 for SUBPOENA

Intervenor Joey Roberts hereby requests that the Commission issue a Subpoena to compel attendance at the Evidentiary Hearing on PSC Case No. 2005-00207, now scheduled to reconvene at 1:00pm EDT on Tuesday, September 20, 2005, by the following individual:

**Gerald Hayes, President and CEO
Warren Rural Electric Cooperative Corporation
951 Fairview Avenue
P O BOX 1118
Bowling Green, KY 42102
270-843-6541**

As President and CEO of Warren Rural Electric Cooperative Corporation (WRECC), Mr. Gerald Hayes is the proper legal representative for WRECC at the Hearing before the Commission on Case No. 2005-00207 as he was in the previous Hearing before the Commission in Case No. 2004-00423. Attendance at the Hearing on Case No. 2005-00207 by WRECC Vice President of Member Services, Gary Dillard, as was the case on Tuesday, September 13, 2005 is not sufficient because he has been unable to respond to relevant questions in the past and has referred Mr. Roberts to Mr. Hayes for such information.

As stated in Paragraph 6 of the Application, "... the Applicant is required to build this project in order to fulfill its obligation to transmit power and energy to WarrenRECC". In response to Intervenor Roberts' "First Data Request", the Applicant has confirmed that EKPC and WRECC have jointly executed both a "Special Membership Agreement" and a "Wholesale Power Contract". The Applicant has relied upon this Contract as the primary justification for its claim of "public convenience and necessity" for both the proposed Spurlock Unit #4 electric power generation unit and the proposed 161 kV electric transmission line. These two proposed projects are interrelated and interdependent, and neither can be fully justified without the other.

WRECC President Gerald Hayes has previously provided testimony at the PSC Hearing on Case No. 2004-00423 regarding the power plant and the "Local Public Hearing" on Case No. 2005-00207 regarding the transmission line. In both situations, Mr. Hayes has made statements and claims regarding the relationship between EKPC and WRECC that imply that costs for electric

service to WRECC customers will be less during the entire term of the stipulated 33-year contract with EKPC than would be the case if WRECC remained a member of the TVA system. In addition, Mr. Hayes has indicated that he has already been attending EKPC Board Meetings as the WRECC representative.

WRECC has acted with no outside review whatsoever to obligate its members under a 33-year contract to pay EKPC wholesale rates for electric power that include the amortized costs of new power production facilities and transmission lines in addition to all related costs of power generation by EKPC or purchase from other suppliers. Neither WRECC nor EKPC have revealed the actual rates that WRECC customers will be required to pay for electricity under that contract. The WRECC Board made this decision in a closed session, never conducted a public hearing or meeting on this issue, and has refused to provide copies of the responses to its Request for Proposals or the subsequent rate analysis conducted by consultants working under its direction.

Intervenor Roberts wishes to question Mr. Hayes about his claims regarding the issues of "need" and "duplication of services" which go the heart of the matter before the Commission. Mr. Hayes is the only person to the knowledge of Mr. Roberts that can provide answers to some of the most pertinent questions on these issues. Therefore, is imperative that the Commission exercise its power of subpoena to compel the attendance of WRECC President and CEO Gerald Hayes at the Hearing on PSC Case No. 2005-00207 when it reconvenes.

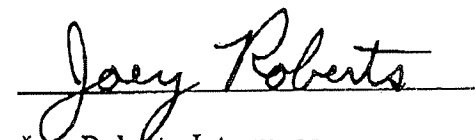
Respectfully submitted by,



Joey Roberts, Intervenor
4234 Scottsville Rd
Smiths Grove, KY 42171
270-563-4292

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **Motion for Subpoena** in the matter of **PSC CASE NUMBER 2005-00207** was duly served by electronic facsimile, E-mail and/or mailing first-class postage prepaid to the Honorable A. W. Turner, Public Service Commission, 211 Sower Boulevard, P O BOX 615, Frankfort, KY 40602; and to each person on the official service list compiled by the Secretary for this proceeding, this the **15th day of September, 2005**.



Joey Roberts, Intervenor