

**MORRIS KENNEDY
ATTORNEY AT LAW
2332 OLD HICKORY LANE
LEXINGTON KY 40515**

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January 18, 2006

RECEIVED

JAN 19 2006

PUBLIC SERVICE
COMMISSION

Beth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort KY 40602-0615

Re: Case No. 2005-00478, In the Matter of: J. W. Kinzer Drilling Company's Request to Increase its Farm Tap Rates.

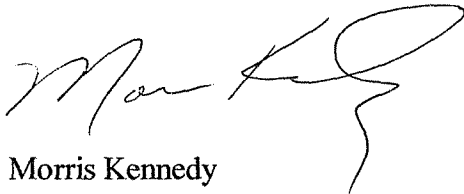
Dear Ms. O'Donnell:

Enclosed for filing in the above-referenced matter find the following pleadings submitted by J. W. Kinzer Drilling Company;

1. Motions to Deny Full Intervenor Status and to Strike;
2. Responses of J. W. Kinzer Drilling Company to Intervenor's "First Set of Interrogatories and Requests for Production of Documents to J. W. Kinzer Drilling".

Thank you for your cooperation in this matter.

Sincerely,



Morris Kennedy

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

**J. W. KINZER DRILLING COMPANY'S
REQUEST TO INCREASE ITS FARM
TAP GAS RATES**

CASE NO. 2005-00478

MOTIONS TO DENY FULL INTERVENOR STATUS AND TO STRIKE

Comes J. W. Kinzer Drilling Company (hereinafter "Applicant"), by Counsel, and moves the Kentucky Public Service Commission (hereinafter "PSC") to (1) deny full intervenor status in this proceeding to Timothy C. Bates, and (2) strike from the record that "First Set of Interrogatories and Requests for Production of Documents to J. W. Kinzer Drilling Company" filed herein. As grounds for said motions Applicant respectfully states as follows:

1. By letter received by the PSC on December 1, 2005, a copy of which is attached hereto as Exhibit "A", Timothy C. Bates objected to the timing only of the farm tap customer rate increase sought by Applicant herein. No objection was made in said letter to the rate increase sought. The last sentence of said letter from Mr. Bates stated only "I also make a written request for intervention."

2. By Order entered in this proceeding on December 21, 2005, the PSC granted Mr. Bate's request for intervention and afforded him the status of a full intervenor based solely upon the request contained in his December 1, 2005, letter.

3. On January 5, Mr. Bates filed with the PSC a "First Set of Interrogatories and Requests for Production of Documents to J. W. Kinzer Drilling". Interestingly, the discovery sought does not address Mr. Bates only stated objection, i.e. the timing of the rate increase request.

4. The PSC's Rules of Procedure set forth in 807 KAR 5:001, Section 3.(8)(a) state:

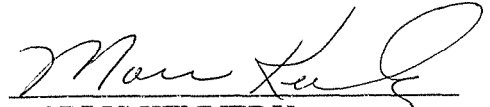
Each person granted leave to intervene shall be considered as making a limited intervention unless he submits to the secretary a written request for full intervention. A person making only a limited intervention shall be entitled to the full rights of a party at the hearing in which he appears and shall be served with the commission's order, but he shall not be served with filed testimony, exhibits, pleadings, correspondence and all other documents submitted by the parties. A person making a limited appearance will not be certified as a party for the purposes of receiving service of any petition for rehearing or petition for judicial review. (Emphasis added).

5. The PSC's Rules of Procedure set forth in 807 KAR 5:001, Section 3.(8)(b) state:

If a person granted leave to intervene desires to be served with filed testimony, exhibits, pleadings, correspondence and all other documents submitted by parties, and to be certified as a party for the purposes of receiving service of any petition for rehearing or petition for judicial review, he shall submit in writing to the secretary a request for full intervention, which shall specify his interest in the proceeding. If the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by party is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention. (Emphasis added).

6. Mr. Bates has neither submitted a request for full intervention as required by 807 KAR 5:001 3. (8)(a) or submitted a writing to the secretary requesting full intervention and specifying his interest in the proceeding as required by 807 KAR 5:001 3.(8)(b). Therefore, Applicant submits that Mr. Bates is not entitled to the grant of full intervenor status herein and should be considered only as a limited intervenor without right to seek discovery herein. While Applicant has no objection to the inclusion of proper parties as full intervenors, it is entitled under the PSC's rules to know the interest in the proceeding of any party seeking such status.

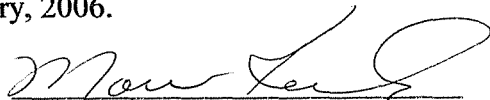
7. Applicant is currently selling natural gas to its farm tap customers at prices significantly below its market price. Because delaying this proceeding would only prolong this economic loss, Applicant is, contemporaneously with the filing of these Motions, filing its responses to Mr. Bates discovery requests. These responses are filed conditionally, subject to the Motions contained herein, and said filing should not be considered a waiver of these Motions or the relief requested herein.



MORRIS KENNEDY
ATTORNEY FOR J. W. KINZER
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CERTIFICATE OF SERVICE

This certifies that the foregoing "Motions to Deny Full Intervenor Status and to Strike" have been filed with the Kentucky Public Service Commission by mailing to Beth O'Donnell, Executive Director, Kentucky Public Service Commission, P. O. Box 615, Frankfort, Kentucky 40602-0615, with true copy served upon Intervenor Timothy C. Bates, P. O. Box 787, Hindman, Kentucky 41822 by first class mail, this 18th day of January, 2006.



MORRIS KENNEDY

05-478

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Timothy C. Bates
P.O. Box 686
Hindman, KY 41822

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PUBLIC SERVICE
COMMISSION

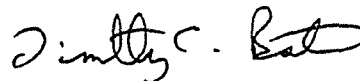
Public Service Commission
P.O. Box Box 615
Franfort, KY 40602

To whom it may concern:

I find it very troubling that J.W Kinzer Drilling would make a request for an increase in their rates in November when people have no other option but to continue service with them. If a rate change had been made in summer then alternative means of heat could have been examined by consumers. Now consumers have no other option, but to hope the Public Service Commission does the right thing.

I request that any rate change be done after the winter months are over. That way consumers can buy alternative sources of heat. To allow Kinzer to have a rate increase now would be very unfair. I also make a written request for intervention.

Sincerely,



Timothy C. Bates