

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

J. W. KINZER DRILLING COMPANY'S)
REQUEST TO INCREASE ITS FARM) CASE NO. 2005-00478
TAP GAS RATES)

O R D E R

On November 28, 2005, J.W. Kinzer Drilling Company ("Kinzer") applied, pursuant to KRS 278.485 and 807 KAR 5:026, Section 9, for a rate adjustment. As part of its application, Kinzer notified its customers of its application and their right to intervene in any proceedings before this Commission. On December 1, 2005, Timothy C. Bates requested intervention in this case. On December 21, 2005, the Commission established a procedural schedule and granted full intervention to Mr. Bates.

On January 19, 2006, Kinzer moved the Commission to deny intervenor status to Mr. Bates and to strike his requests for information. Kinzer simultaneously responded to Mr. Bates's request for information and objected to certain interrogatories that Mr. Bates propounded on the grounds of relevancy. Mr. Bates has responded by moving to compel responses to the interrogatories and for an informal conference or, in the alternative, a formal hearing.

The Commission finds that Mr. Bates's letter of December 1, 2005 in which he requested intervention was sufficient to be considered as a motion for intervention. We further find that since Kinzer failed to object or request rehearing of the Commission's Order of December 21, 2005 in a timely manner, Kinzer's motion to strike should be denied.

The Commission further finds that Intervenor's request for an informal conference should be granted. Based upon Kinzer's and Intervenor's distance from the Commission's offices, the informal conference will be conducted by telephone. The parties are reminded that rate adjustments are governed by the provisions of 807 KAR 5:026, Section 9, and that they should review this regulation before the telephone conference. The Commission will not rule on Intervenor's motion to compel until after the informal conference.

The Commission, having been sufficiently advised, HEREBY ORDERS that:

1. Kinzer's Motion to Deny Full Intervenor Status is denied.
2. Kinzer's Motion to Strike is denied.
3. Intervenor's Motion to Compel is deferred.
4. A telephone conference shall be held at 2:30 p.m., Eastern Standard Time, on Friday, February 17, 2006. Kinzer and the Intervenor may join the conference call by telephoning 502-564-3940 and requesting extension 7098. Kinzer and the Intervenor shall have those persons participating in the conference who are knowledgeable about the rate adjustment filings and who are authorized to enter into agreements with Commission Staff.

Done at Frankfort, Kentucky, this 15th day of February, 2006.

By the Commission

ATTEST:



Executive Director