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MAY 31 2007

PUBLIC SERVICE
COMMISSION

VIA OVERNIGHT MAIL

May 30, 2007

Beth A. O'Donnell, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: Case No. 2007-00008

Dear Ms. O'Donnell:

Please find enclosed the original and twelve (12) copies of the Motion to Modify Procedural Schedule of the Kentucky Industrial Utility Customers, Inc. in the above-referenced matters. By copy of this letter, all parties listed on the Certificate of Service have been served.

Please place this document of file.

Very Truly Yours,



David F. Boehm, Esq.
Michael L. Kurtz, Esq.
BOEHM, KURTZ & LOWRY

MLKkew
Attachment
cc: Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy, by first-class postage prepaid mail to all parties on the 30th day of May, 2007.

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David F. Boehm, Esq.
Michael L. Kurtz, Esq.

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

In the matter of: : **Case No. 2007-00008**
:
Application Of Columbia Gas Of Kentucky, Inc. :
For An Adjustment Of Gas Rates :
:

**KENTUCKY INDUSTRIAL UTILITY CUSTOMERS’
MOTION TO MODIFY PROCEDURAL ORDER**

Kentucky Industrial Utility Customers (KIUC) hereby moves to modify the Kentucky Public Service Commission’s (Commission”) April 19, 2007 Procedural Order in this case to provide that interveners should also have the right to file rebuttal testimony (scheduled for July 25, 2007). A Memorandum in Support is below.

MEMORANDUM IN SUPPORT

The Procedural Order of the Commission issued April 19, 2007 concerning the filing of rebuttal testimony simply provides: “*Columbia shall file rebuttal testimony, in verified form, no later than 07/25/07*”. KIUC knows from long experience in practicing before the Commission that this provision has been engraved into the computer boilerplate of the Commission for decades. However, from time to time, KIUC has raised the issue with the Commission that it anticipates that it may need to file testimony in rebuttal to the position of a fellow intervenor rather than, or in addition to, rebuttal to the utilities position. These conflicts most often arise in the context of a dispute over the allocation of costs among

or between customer classes. In the past, the Commission has obliged us and allowed intervenor rebuttal.

In this case, as the representative of large industrial customers, KIUC may need to file testimony in rebuttal of a certain position relating to the proper class-cost-of-service-study or the revenue allocation between the industrial class of customers and the residential or commercial customers. Without seeing the testimony to be filed by other intervenors at this time, it is not possible to know for certain at this time that the need will arise, but KIUC respectfully requests that allowances be made for such a contingency. Accordingly, KIUC asks that the Commission's Procedural Order be amended to provide: "*Parties shall file rebuttal testimony, if any, in verified form no later than ... 07/25/07*".

We understand that this motion comes long after the Procedural Order, but note that no one could be harmed by the change, since none could have acted in detrimental reliance upon it at this point.

Respectfully submitted,



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May 30, 2007