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PUBLIC SERVICE  
COMMISSION

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

IN THE MATTER OF:

THE APPLICATION OF KENTUCKY	)	
POWER COMPANY FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY TO	)	Case No. 2007-00430
CONSTRUCT A 138 KV TRANSMISSION LINE	)	
AND ASSOCIATED FACILITEIES IN KNOTT	)	
COUNTY, KENTUCKY (SOFT SHELL)	)	

Motion to Cancel Hearing and  
To Submit On the Record

Kentucky Power Company respectfully moves the Public Service Commission of Kentucky ("Commission") (1) to cancel the February 7, 2008 hearing before the Commission (including canceling the requirement that notice of the hearing be published); and (2) to submit this matter for decision on the record once Kentucky Power files its responses to Staff's December 26, 2007 data requests. For the reasons set forth below, Kentucky Power requests the Commission to act on this motion no later than January 9, 2008. In support thereof the Movant states:

Background

1. On November 16, 2007 Kentucky Power filed its application for a certificate of public convenience and necessity to construct a 1.6 mile 138 kV transmission line in Knott County, Kentucky along with related facilities.
2. On November 29, 2007 the Commission entered an order establishing a procedural schedule. The schedule provided for a February 7, 2008 public hearing. It also established December 17, 2007 as the deadline for seeking intervention and for requesting a public meeting in Knott County, Kentucky. As of the date of this motion, no

request for a public meeting in Knott County has been filed. Likewise, there have been no requests to intervene.<sup>1</sup>

Basis for Canceling Hearing and Submitting Case on the Record

4. The present procedural schedule provides for a Public Hearing in Knott County, Kentucky at a date yet to be scheduled. A public hearing is not necessary in this matter. No request for a public meeting has been requested and the time for doing so has expired under the Commission's November 29, 2007 Order. Further, the Commission's website does not indicate that any letters in opposition to the transmission line have been filed with the Commission. The Commission has the authority to cancel the public meeting under KRS 278.020 and 807 KAR 5:120.

5. Once Kentucky Power files its responses to Staff's December 26, 2007 data requests, all requests for information will have been answered and the record will be complete. At that time, Kentucky Power believes there will be sufficient evidence in the record to grant the application without the necessity of the February 7, 2008 hearing before the Commission. To the extent further information or clarification is required, Kentucky Power is prepared to provide it to the Commission in writing.

6. The failure of any person or entity to file written opposition to the application, to request a public meeting or to seek intervention suggests there is no public opposition to the application and that the scheduled February 7, 2008 hearing is unnecessary.

7. Kentucky Power requests that the remaining steps in the procedural schedule be cancelled, including the February 7, 2008 hearing before the Commission,

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<sup>1</sup> As is its practice, Kentucky Power has served filings in this matter, including the initial application for a Certificate of Public Convenience and Necessity, on counsel for the Attorney General and Kentucky Industrial Utility Customers, Inc. Neither has requested intervention.

and that this matter be submitted to the Commission for decision on the record once Kentucky Power files its responses to the outstanding data requests.

Request for a Decision On This Motion No Later Than January 10, 2008

8. Under the November 29, 2007 Order, Kentucky Power is required to publish its notice of the scheduled February 7, 2008 hearing no later than January 17, 2008. The last date to request *The Troublesome Creek Times* (the paper of record) to publish the notice on or before January 17, 2008 is January 10, 2008. As a result, Kentucky Power requests that the Commission act on this motion on or before January 9, 2008 so Kentucky Power can take the necessary steps to cancel the notice if the Commission grants this motion.

Wherefore, Kentucky Power Company respectfully requests the Commission to:

- (a) Cancel the remaining steps in the November 29, 2007 procedural schedule, including the February 7, 2008 hearing before the Commission and the requirement that notice of the hearing be published;
- (b) Take this matter under submission for decision; and
- (c) Grant Kentucky Power Company the requested certificate of public convenience and necessity and all further appropriate relief.

This 28<sup>th</sup> day of December, 2007.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Overstreet', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

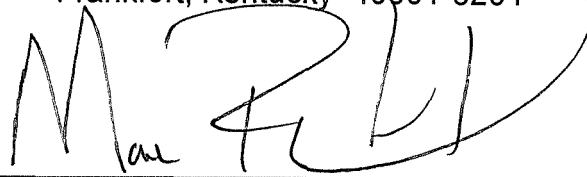
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COUNSEL FOR KENTUCKY POWER  
COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by hand delivery, on this 11<sup>th</sup> day of January, 2008 upon:

David F. Boehm  
Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202

Dennis G. Howard II  
Larry Cook  
Office of the Attorney General  
Utility & Rate Intervention Division  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601-8204

A handwritten signature in black ink, appearing to read "Mark R. Overstreet", written over a horizontal line.

Mark R. Overstreet

KE057:KE195:16401:1:FRANKFORT