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April 10, 2008

Hand-Delivered to the
PUBLIC SERVICE COMMISSION


Stephanie Stumbo, Executive Director
Kentucky Public Service Commission
P.O. Box 615, 211 Sower Boulevard
Frankfort, Kentucky 40602-0615

Re: Case No. 2008-00128

Dear Ms. Stumbo:

Please find attached for filing with the Commission an original and ten copies of my petition for full intervention as an individual in the above-referenced proceeding.

Sincerely,



Geoffrey M. Young

Enclosures

cc: Parties listed on the Certificate of Service

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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

**EAST KENTUCKY POWER COOPERATIVE,)
INC. COGENERATION/ SMALL POWER) CASE NO.
PRODUCTION FACILITIES TARIFF) 2008-00128**

**PETITION TO INTERVENE
OF GEOFFREY M. YOUNG**

Pursuant to KRS 278.310 and 807 KAR 5:001 Section 3(8), I, Geoffrey M. Young, respectfully request that the Commission grant me full intervenor status in the above-captioned proceeding and state my support thereof as follows:

1. I believe that this petition meets the requirements of both prongs of the regulation that determines whether full intervention should be granted.

The Commission has extensive latitude to decide whether to grant intervenor status to individuals or groups that request it. The criteria that condition the Commission's discretion on this matter are set forth in 807 KAR 5:001, Section 3(8)(b), which reads as follows:

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 the party is likely to present issues or to develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention.

In a recent proceeding, the Commission reaffirmed that this regulation affords two alternative bases for seeking status as a full intervenor, i.e., that it is not necessary for the petitioner to meet both criteria. [Order, 4/19/07, page 2, Case No. 2006-00564, An

Investigation into East Kentucky Power Cooperative, Inc.'s Continued Need for Certificated Generation.] If the Commission, upon due deliberation, were to determine either: a) that an individual has a special interest in this proceeding which is not otherwise adequately represented; or b) that full intervention by the petitioner is likely to present issues or to develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings; or c) both, then the petitioner should be granted full intervention. The following grounds have been separated into two distinct categories – those grounds that are pertinent to my claim that I have a special interest in this proceeding which will not otherwise be adequately represented (ground number 2 below), and those grounds that are pertinent to my claim that I am likely to present issues or to develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings (grounds number 3 and 4 below).

2. [re special interest not otherwise represented] My interests in this proceeding are to make sure an environmentalist perspective is represented and to help eliminate impediments to the enhancement of energy end-use efficiency in all sectors of Kentucky's economy. My entire professional career has been devoted to the latter goal, most evidently as an employee of Kentucky's state energy office for 13 years. Since leaving state government in the fall of 2004, I have continued to work to help enhance energy efficiency in Kentucky by volunteering with organizations such as the Sierra Club, Kentuckians for the Commonwealth, and the Kentucky Conservation Committee. In order to build support for enhanced energy efficiency efforts among the energy utility community in Kentucky, in 2005 I initiated the formation of an informal organization called the Kentucky Energy Efficiency Working Group, which I currently co-chair with Dick Stevie of Duke Energy.

In the context of this petition, however, I am not presenting myself as a representative of or spokesperson for any organization.

The Cumberland Chapter of the Sierra Club has already decided that it will not seek intervention in this proceeding. I am not aware of any other environmental organization that is planning to seek intervention. If the Commission were to deny this petition, it is highly likely that the perspectives of environmentalists and proponents of dramatically enhanced energy efficiency in Kentucky will not be adequately represented.

In its Order of 12/27/07 in Administrative Case No. 2007-00477, the Commission denied my petition for intervention as an individual on the grounds that I “was recently aligned with the Sierra Club when he filed expert testimony on its behalf in Case No. 2006-00472.” The Commission went on to propose that I “should participate either through the Sierra Club or through the Attorney General’s Office of Rate Intervention”. As a result of that Order, I approached the Attorney General’s Office of Rate Intervention and asked if they wanted me to work with them on Administrative Case No. 2007-00477. They did not reply in the affirmative. I have no reason to think their stance would be any different in the context of the present proceeding, and their interests, as established by statute, are not the same as mine anyway. Both avenues for intervention proposed by the Commission in its Order of 12/27/07 are closed to me in the present proceeding, which is why I am requesting intervenor status as an individual.

3. [re presenting information without complicating the proceedings] In my role as lead witness for the Sierra Club in Case No. 2006-00472, I have already developed and presented some information about East Kentucky Power Cooperative’s cogeneration and small power production facilities tariff, the subject of this proceeding. I have already become familiar with the regulation governing the establishment of this tariff, 807 KAR

5:054, and have benefited from a careful reading of EKPC's rebuttal testimony and the Commission's Order of 12/5/07 in that case, which addressed certain issues related to the tariff. With that foundation to build on, it will not be necessary to go over all of the same ground again in this proceeding. For example, I note with approval that the seventh term/condition of EKPC's proposed tariff no longer requires a potential cogenerator or small power producer to enter into a 20-year contract. It is reasonable to assume that the Sierra Club's testimony in Case No. 2006-00472 motivated this change. To cite a second example, EKPC's rebuttal testimony has convinced me that 807 KAR 5:054, Section 6(a), does not in fact make it clear "that the default condition is for the utility to pay the interconnection costs, as it would do if the utility had built the generating unit itself." [Sierra Club brief, page 26, lines 1-8, Case No. 2006-00472, 10/5/07] Both EKPC and I have demonstrated that we are willing to change certain aspects of our positions in the light of more complete information and open debate. My familiarity with the arguments and counterarguments that have already been made would enable me to carry on the discussion from the point where Case No. 2006-00472 left off, focusing only on those issues that have not yet been adequately addressed by EKPC and the Commission.

4. [re presenting information without complicating the proceedings] I am willing to present information in a clear and concise manner, submit information requests and written comments that are directly relevant to the process of assisting the Commission in developing or approving tariffs that are fair, just and reasonable, and abide by whatever procedural schedule the Commission may establish for the conduct of this proceeding.

WHEREFORE, I respectfully request that I be granted full intervenor status in the above-captioned proceeding.

Respectfully submitted,

Geoffrey M. Young

4/10/08

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Date

CERTIFICATE OF SERVICE

I hereby certify that an original and ten copies of the foregoing Petition to Intervene were delivered to the office of Stephanie Stumbo, Executive Director of the Kentucky Public Service Commission, 211 Sower Boulevard, Frankfort, KY 40601, and that copies were mailed to the following parties on this 10th day of April, 2008.

Hon. Dennis Howard
Assistant Attorney General
Office of the Attorney General
Utility & Rate Intervention Division
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

Hon. Charles A. Lile
Senior Corporate Counsel
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P.O. Box 707
Winchester, KY 40392-0707

Signed,

Geoffrey M. Young

4/10/08

Geoffrey M. Young

Date