

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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OCT 16 2008
PUBLIC SERVICE
COMMISSION

In the Matter of:

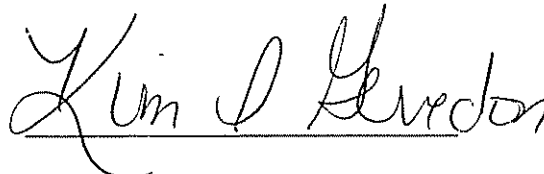
APPLICATION OF KENTUCKY FRONTIER) CASE NO.
GAS LLC FOR APPROVAL OF FINANCING) 2008-00394

Motion for Full Intervention by Elam Utility Company, Inc.

Comes the Elam Utility Company, Inc. ("Elam Utility Company"), by counsel,
and hereby tenders this motion requesting that Elam Utility Company be granted full
intervention in regards to the above styled matter, Case No. 2008-00394.

For its grounds for intervention, Elam Utility Company states that it is specifically
named in the body of the application, which is the subject of this above styled case, and
that it will be directly affected by the determination in this matter. Further, Elam Utility
Company opposes the current proposal for the acquisition of its customers and assets by
Kentucky Frontier Gas, LLC, which is the stated reason the Application for approval of
financing filed with the Public Service Commission.

Respectfully submitted,



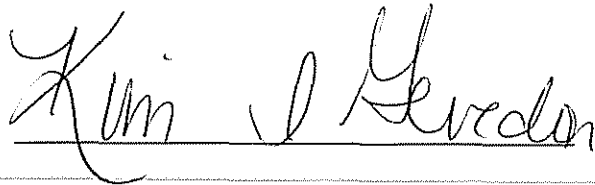
Kim Ison Gevedon
P. O. Box 216
West Liberty, Kentucky 41472

Attorney, Elam Utility Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing MOTION has been sent by first-class mail, postage prepaid, on this date, October 16 2008, to the following:

John N. Hughes
124 West Todd St.
Frankfort, KY 40601
Attorney for Kentucky Frontier
Gas, LLC



KENTUCKY ADMINISTRATIVE REGULATIONS

This printing of a portion of the *Kentucky Administrative Regulations* does not constitute an official version of these administrative regulations and is provided for informational purposes only. For the official text of administrative regulations, the user should consult the official edition of the *Kentucky Administrative Regulations* and the *Kentucky Administrative Register*, which supplements it. Copyright © 2007 by the Legislative Research Commission. Reprinted with permission; further reproduction is not authorized.

TITLE 807 PUBLIC PROTECTION AND REGULATION CABINET PUBLIC SERVICE COMMISSION

CHAPTER 5 UTILITIES

- RULE
- 001 Rules of procedure
 - 003 Utility filing of updated information
 - 006 General rules
 - 007 Filing and notice requirements for a generation and transmission cooperative or a distribution cooperative to decrease rates or for a distribution cooperative to change rates to reflect a change in the rates of its wholesale supplier
 - 011 Tariffs
 - 013 Management and operation audits
 - 016 Advertising
 - 022 Gas safety and service
 - 023 Control of drug use in gas operations
 - 026 Gas service; gathering systems
 - 027 Gas pipeline safety; reports of leaks
 - 031 Gas well determinations
 - 041 Electric
 - 046 Prohibition of master metering
 - 051 Electric consumer information
 - 054 Small power production and cogeneration
 - 056 Fuel adjustment clause
 - 058 Integrated resource planning by electric utilities
 - 061 Telephone
 - 062 Changing primary interexchange carrier; verification procedures
 - 063 Filing requirements and procedures for proposals to construct antenna towers or co-locate antennas on an existing structure for cellular telecommunications services or personal communications services
 - 064 Telephone depreciation filing procedure
 - 066 Water
 - 067 Purchased water adjustment for privately-owned utilities
 - 068 Purchased water adjustment for water districts and water associations
 - 069 Filing requirements and procedures for federally-funded construction project of a water association, commission, or district or a combined water, gas or sewer district
 - 070 Filing requirements and standards for commission approval of water district commissioner training programs
 - 071 Sewage
 - 076 Alternative rate adjustment procedure for small utilities
 - 080 Procedural and filing requirements and safeguards concerning nonregulated activities of utilities or utility affiliates
 - 090 System development charges for water utilities
 - 095 Fire protection service for water utilities
 - 100 Board application fees
 - 110 Board proceedings

RULE

- 120 Applications for certificate of public convenience and necessity for certain electric transmission lines

807 KAR 5:001. Rules of procedure.

RELATES TO: KRS Chapter 278
STATUTORY AUTHORITY: KRS 278.310(2)
NECESSITY, FUNCTION, AND CONFORMITY:
KRS 278.310(2) provides that all hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission. This administrative regulation prescribes requirements with respect to formal and informal proceedings before the commission.

Section 1. General Offices and Hearings. (1)

The commission will be in continuous session for the performance of administrative duties.

(2) Meetings of the commission for the consideration of all matters requiring formal hearings will be held on such days, at such hours and at such places as the commission may designate.

(3) Notice of hearing will be given by the secretary to parties to proceedings before the commission, except when a hearing is not concluded on the day appointed therefor and verbal announcement is made by the presiding commissioner or hearing examiner of an adjourned date. Verbal announcements so made shall be deemed due notice of continued hearing.

Section 2. Secretary to Furnish Information.

(1) Upon request, the secretary will advise any party as to the form of a petition, complaint, answer, application or other paper desired to be filed; and he will make available from the commission's files, upon request, any document or record pertinent to any matter before the commission.

(2) The secretary may reject for filing any document which on its face does not comply with the rules and administrative regulations of the commission.

Section 3. General Matters Pertaining to All Formal Proceedings. (1) Address of the commission. All communications should be addressed to "Public Service Commission, Frankfort, Kentucky."

(2) Case numbers and styles. Each matter coming formally before the commission will be known as a

case and will receive a number and style, descriptive of the subject matter. Such number and style shall be placed on all subsequent papers in such case.

(3) Form of papers filed. All pleadings and applications filed with the commission in formal proceedings shall be printed or typewritten on one (1) side of the paper only, and typewriting shall be double spaced.

(4) Signing of pleadings. Every pleading of a party represented by an attorney shall be signed by at least one (1) attorney of record in his individual name and shall state his address. Except when otherwise specifically provided by statute, pleadings need not be verified or accompanied by affidavit.

(5) Amendment. At its discretion, the commission may allow any complaint, application, answer or other paper to be amended or corrected or any omission supplied therein.

(6) Witnesses and subpoenas.

(a) Upon the application of any party to a proceeding, subpoenas requiring the attendance of witnesses for the purpose of taking testimony may be signed and issued by a member of the commission.

(b) Subpoenas for the production of books, accounts, papers or records (unless directed to issue by the commission on its own authority) will be issued only at the discretion of the commission, or any commissioner, upon application in writing, stating as nearly as possible the books, accounts, papers or records desired to be produced.

(7) Service of process. When any party has appeared by attorney, service upon such attorney will be deemed proper service upon the party.

(8) Intervention and parties. In any formal proceeding, any person who wishes to become a party to a proceeding before the commission may by timely motion request that he be granted leave to intervene. Such motion shall include his name and address and the name and address of any party he represents and in what capacity he is employed by such party.

(a) 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 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.

(b) 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.

Section 4. Hearings and Rehearings. (1) When hearings will be granted. Except as otherwise determined in specific cases, the commission will grant a hearing in the following classes of cases:

(a) When an order to satisfy a complaint or to make answer thereto has been made and the corporation or person complained of has not satisfied the complaint to the satisfaction of the commission.

(b) When application has been made in a formal proceeding.

(2) Publication of notice. Upon the filing of any application the commission may, in its discretion, give all other corporations or persons who may be affected thereby an opportunity to be heard by service upon them of a copy of the petition or by publication of the substance thereof, at the expense of the applicant, for such length of time and in such newspaper or newspapers as the commission may designate. In such cases the form of notice will be prepared by the secretary, and a proof of the publication thereof must be filed at or before the hearing.

(3) Investigation on commission's own motion. The commission may at any time, on its own motion, make investigations and order hearings into any act or thing done or omitted to be done by the public utility, which the commission may believe is in violation of any provision of law or of any order or administrative regulation of the commission. It may also through its own experts or employees, or otherwise, obtain such evidence as it may consider necessary or desirable in any formal proceeding in addition to the evidence presented by the parties.

(4) Conferences with commission staff. In order to provide opportunity for settlement of a proceeding or any of the issues therein, an informal conference with the commission staff may be arranged through the secretary of the commission either prior to, or during the course of hearings in any proceeding, at the request of any party.

(5) Conduct of hearings. Hearings will be conducted before the commission or a commissioner or before a person designated by the commission to conduct a specific hearing.

(6) Stipulation of facts. By a stipulation in writing, filed with the secretary, the parties to any proceeding or investigation by the commission may agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing.

(7) Testimony. All testimony given before the commission will be given under oath or affirmation.