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RECEIVED

APR 23 2013

PUBLIC SERVICE  
COMMISSION

**Via Overnight Mail**

April 22, 2013

Mr. Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

**Re: Case No. 2012-00578**

Dear Mr. Derouen:

Please find enclosed the original and ten (10) copies each of: 1) KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. ("KIUC") RESPONSES TO KENTUCKY POWER COMPANY'S FIRST REQUEST FOR INFORMATION; 2) KIUC's RESPONSES TO COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION; and 3) KIUC'S MOTION TO DEVIATE FROM RULE GOVERNING FILING OF COPIES for filing in the above-referenced docket. I also enclose the CONFIDENTIAL ATTACHMENTS to be filed under seal.

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,



Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
**BOEHM, KURTZ & LOWRY**

MLKkew  
Attachment

cc: Certificate of Service  
Quang Nyugen, Esq.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy via electronic mail (when available) and regular U.S. Mail to all parties on this 22<sup>nd</sup> day of April, 2013.



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APR 23 2013

PUBLIC SERVICE  
COMMISSIONCOMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF: THE APPLICATION OF KENTUCKY POWER :  
 COMPANY FOR (1) A CERTIFICATE OF PUBLIC CONVENIENCE AND :  
 NECESSITY AUTHORIZING THE TRANSFER TO THE COMPANY OF : **Case No. 2012-00578**  
 AN UNDIVIDED FIFTY PERCENT INTEREST IN THE MITCHELL :  
 GENERATING STATION AND ASSOCIATED ASSETS; (2) APPROVAL :  
 OF THE ASSUMPTION BY KENTUCKY POWER COMPANY OF :  
 CERTAIN LIABILITIES IN CONNECTION WITH THE TRANSFER OF :  
 THE MITCHELL GENERATING STATION; (3) DECLARATORY :  
 RULINGS; (4) DEFERRAL OF COSTS INCURRED IN CONNECTION :  
 WITH THE COMPANY'S EFFORTS TO MEET FEDERAL CLEAN AIR :  
 ACT AND RELATED REQUIREMENTS; AND (5) FOR ALL OTHER :  
 REQUIRED APPROVALS AND RELIEF :

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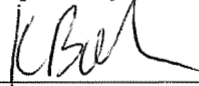
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**MOTION OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.  
 TO DEVIATE FROM RULE GOVERNING FILING OF COPIES**

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Kentucky Industrial Utility Customers, Inc. ("KIUC"), by counsel, petitions the Kentucky Public Service Commission ("Commission") to grant KIUC approval, pursuant to 807 KAR5:001, § 14, to deviate from the requirement that parties file an original and (10) ten complete copies of all data responses and attachments. KIUC requests that it be excused from filing paper copies of the supporting documents in Responses to Kentucky Power Requests: 1-17, 1-18, 1-19, 1-20, 1-23 and 1-27. KIUC also requests that it be excused from filing a portion of its Responses to Kentucky Power Request 1-3 and 1-28. A Memorandum in Support of this Motion is attached.

Respectfully submitted,




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Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

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**COUNSEL FOR KENTUCKY INDUSTRIAL UTILITY  
 CUSTOMERS, INC.**

April 22, 2013

## MEMORANDUM IN SUPPORT OF MOTION TO DEVIATE

Several of Kentucky Power's Data Requests require KIUC to provide documents in support of its testimony. The supportive information is largely contained within working *Microsoft Excel* models. When these models are converted into standard paper format, they amount to approximately 60,000 pages. The files requested by Kentucky Power are not intended to be viewed in paper format. In fact, they are useless in paper format as they amount to page after page of raw data.

In order to comply with the letter of the Commission rules, KIUC would have to print over a million copies of useless data. Even a single copy of KIUC's full responses would require nearly sixty thousand pages. Obviously, this would be an extreme waste of time, money and KPSC file room space.

KIUC requests that the Commission allow it to provide the standard original and ten copies of all responses and attachments that are not overly voluminous and be excused from providing any paper copies of the responses described above. Specifically, KIUC requests that it be excused from filing any of the "raw data" contained in the supporting documents of KIUC's Responses to Kentucky Power Requests: 1-17, 1-18, 1-19, 1-20, 1-23 and 1-27.

All of the information requested by Kentucky Power is contained on CDs. KIUC will provide 11 copies of the CD to the Commission pursuant to Commission rules. KIUC will also provide additional copies of the CDs upon request.

KIUC also moves that it be permitted to deviate from Commission rules with respect to its Response to Kentucky Power 1-3 and 1-28. KIUC's Responses to 1-3 and 1-28 do not contain "raw data" as described above, but they are overly voluminous at approximately 700 and 210 pages respectively. KIUC requests that it be permitted to file one (1) paper copy of its Responses to Kentucky Power 1-3 and 1-28 and avoid producing the additional 9,000-plus pages of copies.

WHEREFORE, KIUC requests deviation from the requirement that parties provide an original and ten (10) paper copies of data responses. KIUC requests that it be allowed to instead submit CDs in compliance with this rule.

Respectfully submitted,



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Michael L. Kurtz, Esq.

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CUSTOMERS, INC.**

April 22, 2013