

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JUN 05 2013

PUBLIC SERVICE
COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY POWER)
COMPANY FOR APPROVALS RELATED TO) CASE NO. 2013-00144
RENEWABLE ENERGY PURCHASE AGREEMENT)

ATTORNEY GENERAL'S
MOTION TO HOLD CASE IN ABEYANCE

Comes now the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and hereby moves that the Commission hold the above-styled matter in abeyance pending the Commission's resolution of Case No. 2012-00578. In support of this motion, the Attorney General states as follows.

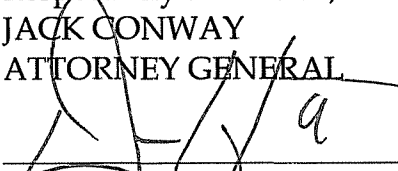
In response to AG 1-23 in the instant matter, Kentucky Power Co. confirms that the Renewable Energy Purchase Agreement ("REPA") contract contains a condition precedent to the effect that the parties are not bound to proceed under the REPA contract unless the Commission approves Kentucky Power's application filed in Case No. 2012-00578. In its Order dated May 28, 2013, the Commission ordered the hearing in Case No. 2012-00578 continued until July 10, 2013. Additionally, in response to AG 1-6 in the instant matter, Kentucky Power Co. confirms that nothing in the outstanding request for proposals ("RFP") regarding the replacement or repowering/refueling of the Big Sandy Unit 1 would prevent a merchant generator, including a bidder

proposing renewable energy resources, from tendering a proposal to for even partial replacement of the capacity of the Big Sandy Unit 1. In its Order of May 28, 2013, in Case No. 2012-00578, the Commission specifically stated that waiting for “[t]he details of the bids submitted in response to this solicitation should provide useful information regarding the current availability and pricing of long-term generation...” Order at p. 3.

Since the instant case is moot without a Commission order approving Kentucky’s Power’s application in Case No. 2012-00578, and since responses to the Big Sandy Unit 1 RFP are expected by June 11, 2013, and shall be filed with the Commission by June 28, 2013, it would be illogical, unnecessary, and contrary to judicial economy to proceed with the instant proceeding until a final order is entered in Case No. 2012-00578.

WHEREFORE, the Attorney General respectfully requests that the Commission delay any and all further proceedings in the instant matter until after the date the Commission issues its final order in Case 2012-00578. The Attorney General reserves its right to tender supplemental requests for information if and when the matter is taken out of abeyance or otherwise re-opened by the Commission.

Respectfully submitted,
JACK CONWAY
ATTORNEY GENERAL



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Certificate of Service and Filing

Counsel certifies that an original and ten photocopies of the foregoing were served and filed by hand delivery to Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; counsel further states that true and accurate copies of the foregoing were mailed via First Class U.S. Mail, postage pre-paid, to:

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this 5th day of June, 2013.


Assistant Attorney General