

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In The Matter Of:

Application Of Kentucky Power)
Company For A General Adjustment) Case No. 2013-00197
Of Electric Rates)

**Kentucky Power Company's
Reply In Support Of Its Motion To Suspend
September 16, 2013 Procedural Schedule**

The Attorney General's opposition to the Company's motion to suspend the September 16, 2013 procedural schedule is unfounded. Significantly, the Attorney General is unable – and in fact does not even try – to point to any prejudice to the Attorney General or any other party to this proceeding resulting from the grant of the Company's motion to suspend the procedural schedule. Nor does he hazard an explanation why the Staff and other parties to the proceeding should be required at this time to squander their resources in what most likely will prove to be unnecessary further litigation of this case.

The Attorney General first notes that the Company objected to the Attorney General's August 27, 2013 motion to hold this case in abeyance. But the Attorney General overlooks two important distinctions between the two motions. First, the Attorney General's earlier motion sought relief in the alternative: suspension of the procedural schedule *or* an extension of the time for the Attorney General to file, and the Company to respond to, his initial data requests.

Because the Company had no objection to the Attorney General's request for an extension of time, his alternatively requested relief, abatement of the case, was unnecessary.¹

Second, and more importantly, at the time of the Attorney's General's August 27, 2013 motion in the alternative the Commission had yet to enter its order with respect to the Company's application and the July 2, 2013 Stipulation and Settlement Agreement. Since then Commission entered its October 7, 2013 Order approving the Stipulation and Settlement Agreement with modifications and the Company accepted the modifications set out in Appendix B to the Commission's Order. Unless the October 7, 2013 Order were to be modified on any yet-to-be filed motion for rehearing, the Company will withdraw its application in this case, and the rates provided for in paragraph 4 of the July 2, 2013 Stipulation and Settlement will become effective on January 1, 2014.

The Attorney General also attempts to support his opposition by pointing to his rights under KRS 278.400 and KRS 278.410 with respect to the Commission's Order in Case No. 2012-00578 approving the Stipulation and Settlement Agreement as modified.² But a suspension of the procedural schedule in this proceeding will in no way affect, much less prejudice, the Attorney General's statutory rights with respect to the October 7, 2013 Order in Case No. 2012-00578. Certainly, the Attorney General nowhere claims it will. Nor does he attempt to challenge the fact that "[t]he requested suspension of this proceeding will further the efficiency

¹ See, Kentucky Power's Response To "Attorney General's Motion To Hold Case In Abeyance Or Alternatively, For Expansion Of Time To File Preliminary Requests For Information," *In the Matter of: Application Of Kentucky Power Company For A General Adjustment Of Electric Rates*, Case No. 2013-00197 at 1 (Ky. P.S.C. Filed August 29, 2013) ("An abeyance is unnecessary")

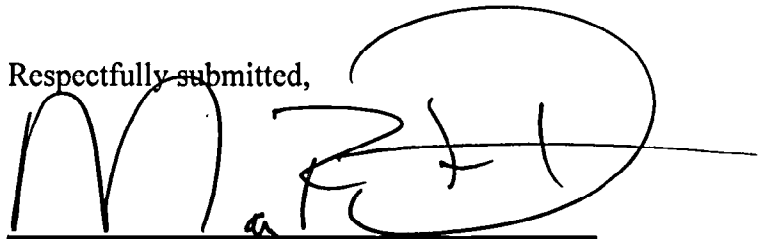
² Attorney General's Response To Kentucky Power's Motion To Suspend Procedural Schedule, *In the Matter of: Application Of Kentucky Power Company For A General Adjustment Of Electric Rates*, Case No. 2013-00197 at 2 (Ky. P.S.C. Filed October 18, 2013).

of this proceeding”³ What suspension of the procedural schedule will do is obviate the need for the Staff, the Company, the other intervenors, and even the Attorney General to expend further effort and expense litigating this case when it is likely that such effort and cost will be for naught. In any event, in the unlikely event this case proceeds further the Attorney General, the Staff, and the other parties will continue to enjoy full discovery rights even if the procedural schedule is suspended.

WHEREFORE, Kentucky Power Company respectfully requests the Commission to enter an Order:

1. Suspending the procedural schedule in this case until the later of the expiration of the period for seeking rehearing in Case No. 2012-00578, or the conclusion of rehearing proceedings, if any, in Case No. 2012-00578; and
2. Granting Kentucky Power all further relief to which it may be entitled.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. R. Overstreet', is written over a horizontal line. The signature is stylized and somewhat cursive.

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³ Kentucky Power Company’s Motion To Suspend September 16, 2013 Procedural Schedule, *In the Matter of: Application Of Kentucky Power Company For A General Adjustment Of Electric Rates*, Case No. 2013-00197 at 2 (Ky. P.S.C. Filed October 17, 2013).

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CERTIFICATE OF SERVICE

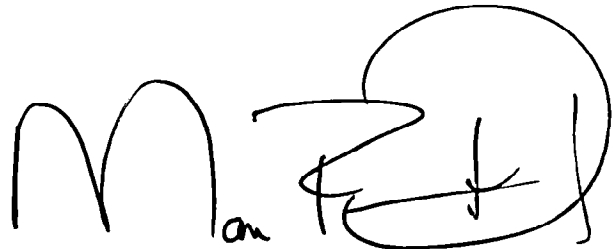
I hereby certify that a true and accurate copy of the foregoing was served by U.S. Mail, postage prepaid, on the following:

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on this the 21st day of October, 2013.

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', written over a horizontal line. The signature is stylized and somewhat cursive.

Mark R. Overstreet