



EARTHJUSTICE

ALASKA CALIFORNIA FLORIDA MID-PACIFIC NORTHEAST NORTHERN RDCKIES  
NORTHWEST ROCKY MOUNTAIN WASHINGTON, DC INTERNATIONAL

December 4, 2013

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

**RECEIVED**  
DEC 04 2013  
PUBLIC SERVICE  
COMMISSION

**Re: Case No. 2013-00259, An Application of East Kentucky Power Cooperative, Inc. for a Certificate of Public Convenience and Necessity for Alteration of Certain Equipment at the Cooper Station and Approval of a Compliance Plan Amendment for Environmental Surcharge Cost Recovery**

Dear Mr. Derouen:

Enclosed are and original and ten copies of *Sonia Mcelroy and Sierra Club's Motion for Leave to File Out of Time Their Reply in Support of Motion to Compel and for a Continuance*, along with ten redacted copies of *Sonia Mcelory and Sierra Club's Reply in Support of Motion to Compel and for a Continuance* in docket 2013-00259 before the Kentucky Public Service Commission. The unredacted original of the reply brief was filed earlier today via hand delivery.

Sincerely,

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Grant Tolley  
Earthjustice  
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Philadelphia, PA 19103  
(215) 717-4523

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

<b>AN APPLICATION OF EAST KENTUCKY</b>	)	
<b>POWER COOPERATIVE, INC. FOR A</b>	)	
<b>CERTIFICATE OF PUBLIC CONVENIENCE</b>	)	
<b>AND NECESSITY FOR ALTERATION OF</b>	)	<b>CASE NO. 2013-00259</b>
<b>CERTAIN EQUIPMENT AT THE COOPER</b>	)	
<b>STATION AND APPROVAL OF A COMPLIANCE</b>	)	
<b>PLAN AMENDMENT FOR ENVIRONMENTAL</b>	)	
<b>SURCHARGE COST RECOVERY</b>	)	

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**SONIA MCELROY AND SIERRA CLUB MOTION FOR LEAVE TO FILE OUT OF  
TIME THEIR REPLY IN SUPPORT OF  
MOTION TO COMPEL AND FOR A CONTINUANCE**

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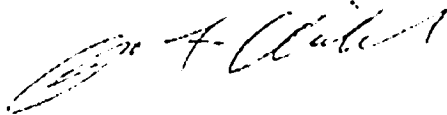
Sonia McElroy and the Sierra Club (collectively, "Intervenors") hereby move the Kentucky Public Service Commission ("Commission") for leave to file out of time the accompanying Reply in Support of Intervenors' Motion to Compel Responses to Intervenors' Supplemental Requests for Information and Continuance of Case Schedule.

On November 21, 2013, Intervenors filed the Motion to Compel and for a Continuance that is at issue here. On November 27, 2013, the day before Thanksgiving, East Kentucky Power Cooperative ("EKPC") filed a response to Intervenors' Motion. Under 807 KAR 5:001 Section 5(3), Intervenors had five days to file a reply, which was Monday, December 2, 2013. Due to the Thanksgiving holiday and following weekend, Intervenors had only one business day (Monday, December 2, 2013) to reply. Counsel for Intervenors' ability to meet this deadline was further hindered because they had no knowledge that this response was filed as counsel for EKPC did not send a courtesy copy of its response through electronic mail. Intervenors respectfully move the Commission to accept the accompanying Reply in Support of Intervenors' Motion to Compel

and for a Continuance, which is being filed two days after the deadline established by 807 KAR 5:001 Section 5(3) and only three business days after EKPC filed its response. Intervenors do not believe that any prejudice will result to any party from this very brief delay.

Accordingly, Intervenors respectfully request leave to file out of time Intervenors' Reply in Support of Intervenors' Motion to Compel Responses to Intervenors' Supplemental Requests for Information and Continuance of Case Schedule by December 4, 2013.

Respectfully submitted,



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Dated: December 4, 2013

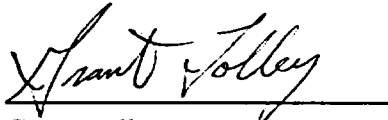
**CERTIFICATE OF SERVICE**

I certify that a copy of this Motion for Leave to File Out of Time was sent by first class mail and electronic mail on December 4, 2013 to the following:

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