

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY POWER COMPANY)
FOR AUTHORITY PURSUANT TO KRS 278.300 TO ISSUE)
AND SELL PROMISSORY NOTES OF ONE OR MORE SERIES,)
TO ENTER INTO LOAN AGREEMENTS, AND FOR OTHER)
AUTHORIZATIONS IN CONNECTION WITH THE)
REFUNDING OF LIABILITIES ASSUMED BY THE COMPANY)
IN CONNECTION WITH THE MITCHELL TRANSFER)

CASE NO.
2013-00410

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PUBLIC SERVICE
COMMISSION

ATTORNEY GENERAL'S
RESPONSE TO MOTION FOR INFORMAL CONFERENCE AND
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 pursuant to 807 KAR 5:001 Section 5, in response to Kentucky Power Company's ("KPCo") motion for an informal conference, states as follows:

(1) The Attorney General objects to KPCo's motion for an immediate informal conference in this matter, which KPCo purports to use in a manner to expedite proceedings unnecessarily and in advance of the Attorney General's deadline to appeal the Commission's approval of the Mitchell Transfer in Case No. 2012-00578.

(2) Further, the Attorney General objects to the purpose KPCo advises for this informal conference; specifically, to "[allow] Kentucky Power to address questions the Staff, any intervenors, or other interested parties might have about the Application," in advance of the Commission even issuing a procedural schedule in this matter. This purpose is nothing more than a "first-bite-at-the-apple" for KPCo prior to a schedule

permitting discovery, testimony and/or a hearing regarding its application. Moreover, with the timing of this filing, KPCo presumes once again that its transfer of a 50 percent undivided interest in the Mitchell Generating Station is a *fait accomplis* and seeks the rubber-stamp approval of the Commission regarding financing transactions relating to the transfer.

(3) Further, and based on the foregoing, Attorney General hereby moves that the Commission hold the above-styled matter in abeyance pending the expiration of the statutory deadline to seek appeal of the Commission's Final Order in Case No. 2012-00578, or until the conclusion of any proceedings before the Franklin Circuit Court if the matter is appealed.

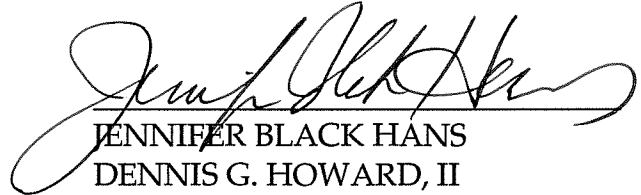
(4) Since the Franklin Circuit Court has the jurisdiction and authority to overturn the Commission's Final Order in Case No. 2012-00578, which could render KPCo's application moot, an abeyance of this matter furthers the interest of administrative and judicial economy and efficiency by delaying the need for the parties to expend what may prove to be unnecessary time and resources.

(5) Moreover, abeyance is consistent with the guarantee of procedural due process, since KRS § 278.410 permits an appeal of right by any party aggrieved by a decision of the Commission.

WHEREFORE, the Attorney General respectfully requests that the Commission deny Kentucky Power Company's Motion for Informal Conference and delay any and all further proceedings in the instant matter until after the expiration of the statutory deadline to seek appeal of the Commission's Final Order in Case No. 2012-00578, or

until the conclusion of any proceedings before the Franklin Circuit Court if the matter is appealed.

Respectfully submitted,
JACK CONWAY
ATTORNEY GENERAL

A handwritten signature in cursive script, appearing to read "Jennifer Black Hans", is written over a horizontal line.

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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:

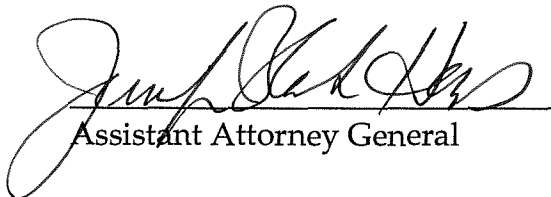
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this 25th day of November, 2013.


Assistant Attorney General