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

OCT 0 1 2004

PUBLIC SERVICE
COMMISSION

In The Matter Of:

**THE APPLICATION OF KENTUCKY)
UTILITIES COMPANY FOR AN)
ORDER PURSUANT TO KRS 278.300)
AND FOR APPROVAL OF LONG-TERM)
PURCHASE CONTRACT)**

CASE NO. 2004- 00395

**MOTION OF KENTUCKY UTILITIES COMPANY
FOR DEVIATION FROM COMMISSION RULES
PURSUANT TO 807 KAR 5:001, SECTION 14**

Kentucky Utilities Company ("KU") moves the Kentucky Public Service Commission ("Commission") for a deviation from the Commission's rules set out in 807 KAR 5:001, Sections 11 and 6.

807 KAR 5:001, Section 11 requires KU to file with its Application in the current matter, a financial exhibit complying with the requirements of 807 KAR 5:001, Section 6. This later section requires that a financial exhibit, covering operations for a 12-month period ending not more than ninety days prior to the date the Application, be filed. KU's financial information is prepared on a calendar quarter basis, with the most recent financials available covering the period ending June 30, 2004. This information is being filed with KU's Application, and except for the period covered, complies fully with the Commission's regulations. The financial information for the period ending September 30, 2004 will not be available until approximately the middle of November, 2004. Hence, KU does not and will not have financial information available that complies with the timing requirements of 807 KAR 5:001, Section 6 until the middle of November.

OVEC and its Sponsors must undertake and coordinate numerous regulatory and other actions. KU will file, as supplemental information, its financial exhibit through September 30, 2004 as soon as that information is available. KU does not believe that a delay in filing this information will prejudice the Commission's ability to review and consider KU's Application in this matter. Conversely, delay in filing or reviewing this Application could hamper OVEC's and its Sponsors' efforts to extend the Inter-Company Power Agreement and to ensure the continued availability of OVEC's generation to its Sponsors, including KU.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant a deviation for good cause shown from the filing requirements of 807 KAR 5:001, Sections 6 and 11, for the reasons set out above. Kentucky Utilities Company also respectfully requests that the Commission, for purposes of the running of time periods pursuant to KRS 278.300, accept KU's Application as filed as of the date it was originally tendered.

Respectfully submitted,



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