

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

In the Matter Of:

THE REQUEST OF THE UNION LIGHT, HEAT AND )  
POWER COMPANY FOR A FILING EXTENSION ) CASE NO. 2004-00403  
AND FOR CONTINUATION OF RIDER AMRP RATES )

ATTORNEY GENERAL'S OBJECTION TO  
ULH&P'S REQUEST FOR ORAL ARGUMENT

By Order of November 10, 2004, the Commission directed any party wishing a public hearing to file a request in writing. ULH&P filed its request for a public hearing in writing within the time period allowed, but has clarified both in an e-mail and in a telephone conference among staff and the parties that what it actually is seeking is oral argument.

By its Order of November 10, the AG understood the Commission to be offering the parties the opportunity to have a duly noticed hearing at which the public may appear and comment should it choose to do so and at which evidence is presented. Certainly public hearings are contemplated by the governing statutes and regulations. The AG had no reason to object to the request for a public hearing until it became clear that a public hearing is not actually what is being sought. Having now received a clarification that a public hearing is not what is being sought, the AG does object.

UH&P has set forth its request for relief and its reasons supporting its request for relief in the Motion for a Continuation of the Rider AMRP that forms the basis of this action. The AG has responded. ULH&P apparently does not want to introduce any evidence as it is not seeking an evidentiary hearing. Though it is clear that ULH&P does not want what the Commission offered

in its November 10 Order, it is not clear what ULH&P does want, either in scope or in content. Committing the Commission's time simply to rehash matters already of record is a waste of administrative effort. Holding a hearing for the purpose of something other than the taking of evidence does not appear to be legislatively contemplated for the Commission's function as a fact finding body. Therefore the AG objects.

Further, if the Commission does grant ULH&P's request for oral argument, the AG request that the scope thereof be defined and limited, and that the limitation include restricting presentations and arguments to matters already of record

Respectfully submitted,

GREGORY D. STUMBO  
ATTORNEY GENERAL

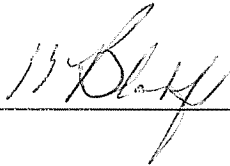


Elizabeth E. Blackford  
Assistant Attorney General  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601-8204  
(502) 696-5453

NOTICE OF FILING AND CERTIFICATION OF SERVICE

I hereby give notice that I have filed the original and ten true copies of the foregoing with the Executive Director of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, 40601 this the 24th day of November, 2004, and certify that this same day I have served the parties by mailing a true copy, postage prepaid, to the following:

HONORABLE JOHN J FINNIGAN JR  
HONORABLE MICHEL J PAHUTSKI  
THE UNION LIGHT HEAT & POWER CO  
P O BOX 960  
CINCINNATI OH 45201-0960



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