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JUN 8 2005

PUBLIC SERVICE
COMMISSION

June 7, 2005

FACSIMILE AND MAIL

Ms. Elizabeth O'Donnell
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602

Re: PSC Case No. 2004-00423

Dear Ms. O'Donnell:

Please find enclosed for filing with the Commission in the above-referenced case an original and ten (10) copies of the Objections of East Kentucky Power Cooperative, Inc. to the Request for Intervention of Joey Roberts and Hugh Hendrick.

Very truly yours,



Charles A. Lile
Senior Corporate Counsel

Enclosures

Cc: Elizabeth E. Blackford, Esq.
Michael L. Kurtz, Esq.
Stephen M. Soble, Esq.
Frederic J. Cowan, Esq.
Richard Raff, Esq.

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JUN 8 2005

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EAST KENTUCKY)
POWER COOPERATIVE, INC. FOR A)
CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY, AND A) CASE NO. 2004-
SITE COMPATIBILITY CERTIFICATE,) 00423
FOR THE CONSTRUCTION OF A 278 MW)
(NOMINAL) CIRCULATING FLUIDIZED)
BED COAL FIRED UNIT IN MASON)
COUNTY, KENTUCKY)

OBJECTIONS OF EAST KENTUCKY POWER COOPERATIVE, INC.,
TO THE REQUEST TO INTERVENE OF
JOEY ROBERTS AND HUGH HENDRICK

East Kentucky Power Cooperative, Inc., ("EKPC") hereby submits to the Kentucky Public Service Commission (the "Commission") its objections to the request for full intervention of Joey Roberts and Hugh Hendrick, both of Smith's Grove, Kentucky (the "Petitioners"), dated June 2, 2005, and urges the Commission to deny said Petition as unjustified, and to avoid undue delays in the procedural schedule and disruption and complication of the proceedings in this case. The grounds for EKPC's objections are as follows:

1. The Petitioners lack a sufficient special interest to intervene in this case.-

807 KAR 5:001 Section 3 (8) requires that a full intervenor in a case before the Commission have a special interest in the case which is not otherwise adequately represented, or be able to demonstrate that the person's intervention is likely to assist the

Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The Petitioners do not meet the requirements of that regulation. The Petitioners interest, if they are in fact customers of Warren Rural Electric Cooperative Corporation (“Warren RECC”), is the same general interest of all ratepayers in the rates and service of the utility, and this general interest has been held to be an insufficient basis for asserting a status as an “interested party” in a Commission proceeding. Satterwhite v. Public Service Commission, Ky., 474 S.W.2d 387 (1971). These basic interests of ratepayers are represented by the Attorney General, which is an intervenor in the case. Additionally, the Petitioners’ assertion that they own property which may potentially be impacted, presumably by future transmission lines, does not make them interested parties in a case where the location of such future lines is not at issue. Id., p. 389.

2. The concerns voiced by the Petitioners are not relevant to this case.

The issues before the Commission in this case are the need for EKPC’s proposed Spurlock Station Unit 4 and whether the construction will avoid wasteful duplication. Kentucky Utilities Co. v. Public Service Commission, Ky., 252 S.W.2d 885 (1952). EKPC’s demonstration of the need for the proposed new generating facilities is based on contractual commitments made to EKPC by Warren RECC. Warren RECC has certified to EKPC that these contractual commitments are legally valid and binding, and were entered pursuant to duly authorized actions of the organization. The Petitioners’ request for intervention does not demonstrate that these commitments made by Warren RECC are not valid and binding obligations which establish the need for the proposed facilities, and does not assert that the proposed facilities would amount to wasteful duplication. The Petitioners’ concerns about the rate impact of Warren RECC’s decision to change power

suppliers, and their status as owners of “potentially impacted property” in regard to future transmission lines, are not relevant to the issues in this case.

3. Intervention by Petitioners will unduly disrupt and complicate this case-

The procedural schedule for discovery in this case was completed on February 2, 2005. The hearing is now scheduled for June 13, 2005. The Petitioners have not stated that they have any experience or expertise involving Commission proceedings. Allowing Petitioners to participate as intervenors based upon their stated interests, to cross-examine witnesses and submit testimony in the case, would inject extraneous and irrelevant material into the record, and would unreasonably disrupt the hearing. Petitioners can express their concerns in the form of comments at the hearing, but should not be allowed to participate as intervenors.

WHEREFORE, EKPC respectfully objects to the request for intervention of the Petitioners and urges the Commission to deny such intervention as unjustified, and to protect the integrity of the proceedings in this case.

Respectfully submitted,



DALE W. HENLEY



CHARLES A. LILE

ATTORNEYS FOR EAST
KENTUCKY
POWER COOPERATIVE, INC.
P. O. BOX 707
WINCHESTER, KY 40392-0707
(859) 744-4812

CERTIFICATE OF SERVICE

This is to certify that an original and ten copies of the foregoing Objections of East Kentucky Power Cooperative, Inc., to the Request to Intervene of Joey Roberts and Hugh Hendrick, in the above-referenced case, were transmitted by facsimile and mailed to Elizabeth O'Donnell, Executive Director, Kentucky Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; and copies were mailed to Parties of Record, on June 7, 2005.



CHARLES A. LILE