## BOEHM, KURTZ & LOWRY

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PUBLIC SETVICE COMMISSION

December 13, 2004

Beth A. O'Donnell, Executive Director Kentucky Public Service Commission 211 Sower Boulevard Frankfort, Kentucky 40602

Re: Case No. 2004-00423

Dear Ms. O'Donnell:

Please find enclosed the original and twelve (12) copies of the Petition to Intervene of Gallatin Steel Company filed in the above-referenced matter.

By copy of this letter, all parties listed on the attached Certificate of Service have been served. Please place these documents of file.

Very Truly Yours,

Michael L. Kurtz, Esq.

**BOEHM, KURTZ & LOWRY** 

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## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy, by regular U.S. mail (unless otherwise noted) to all parties on this 13<sup>th</sup> day of December, 2004.

Charles Lyle, Esq.
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

Mr. Bill Bosta, Manager of Pricing Process East Kentucky Power Cooperative, Inc. 4775 Lexington Road P. O. Box 707 Winchester, KY 40392-0707

Elizabeth Blackford, Esq. Office for Rate Intervention 1024 Capital Center Drive Frankfort, KY 40601

Michael L. Kurtz, Esq.



## COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter Of: The Application OF East Kentucky Power Cooperative, Inc.: Case 1

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Case No. 2004-00423

For A Certificate Of Public Convenience And Necessity, And A Site Compatibility Certificate, For The Construction Of A 278 Mw (Nominal) Circulating Fluidized Bed Coal Fired Unit In Mason County, Kentucky

## PETITION TO INTERVENE OF GALLATIN STEEL COMPANY

Pursuant to K.R.S. §278.310 and 807 KAR 5:001 Section 3(8), Gallatin Steel Company ("Gallatin") requests that it be granted full intervenor status in the above-captioned proceeding and states in support thereof as follows:

- 1. Gallatin is the largest end use customer located in the Owen Electric Cooperative ("Owen") service territory. Owen is in turn provided with generation and transmission service by East Kentucky Power Cooperative ("EKPC").
- 2. The matters being decided by the Commission in this case may have a significant impact on the rates paid by Gallatin for electricity. Electricity represents a significant cost of doing business for Gallatin. The attorneys for Gallatin authorized to represent them in this proceeding and to take service of all documents are:

Michael L. Kurtz, Esq. **BOEHM, KURTZ & LOWRY** 

36 East Seventh Street, Suite 1510 Cincinnati, Ohio 45202

Ph: (513) 421-2255, Fax: (513) 421-2764 E-Mail: mkurtz@BLKlawfirm.com 3. The position of Gallatin cannot be adequately represented by any existing party. Gallatin intends to play a constructive role in the Commission's decision making process herein and Gallatin's participation will not unduly prejudice any party.

**WHEREFORE**, Gallatin Steel Company requests that it be granted full intervenor status in the above captioned proceeding.

Respectfully submitted,

Michael L. Kurtz, Esq.

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COUNSEL FOR GALLATIN STEEL COMPANY