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PUBLIC SERVICE
COMMISSION

May 3, 2005

FACSIMILE AND MAILED

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

Re: PSC Case No. 2005-00053

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 Petition to Intervene of Siemens-Westinghouse Power Corporation.

Very truly yours,



Charles A. Lile
Senior Corporate Counsel

Enclosures

Cc: Elizabeth E. Blackford, Esq.
Michael L. Kurtz, Esq.
Richard Raff, Esq.

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MAY 04 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 SITE)
COMPATIBILITY CERTIFICATE, FOR THE) CASE NO. 2005-00053
CONSTRUCTION OF A 278 MW)
(NOMINAL) CIRCULATING FLUIDIZED)
BED COAL FIRED UNIT AND FIVE 90 MW)
(NOMINAL) COMBUSTION TURBINES IN)
CLARK COUNTY, KENTUCKY)

OBJECTIONS OF EAST KENTUCKY POWER COOPERATIVE, INC.,
TO THE PETITION TO INTERVENE OF
SIEMENS-WESTINGHOUSE POWER CORPORATION

East Kentucky Power Cooperative, Inc., ("EKPC") hereby submits to the Kentucky Public Service Commission (the "Commission") its objections to the Petition to Intervene of Siemens-Westinghouse Power Corporation ("Siemens-Westinghouse") in this case dated April 29, 2005, and urges the Commission to deny said Petition to avoid unjustified delays in the procedural schedule and undue disruption and complication of the proceedings in this case. The grounds for EKPC's objections are as follows:

1. Siemens-Westinghouse lacks 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. Siemens-Westinghouse has no statutory right to intervene in this case, is not an EKPC customer, has no interest in EKPC's rates and service, and is not a utility regulated by the Commission. Siemens-Westinghouse is merely an unsuccessful bidder in EKPC's Request for Proposal 2004-01 (the "RFP"), as was EnviroPower, L.L.C., ("EnviroPower") which has been denied intervention in this case. Siemens-Westinghouse obtained no legal rights from its submission of a bid in EKPC's RFP, since its bid was not accepted and EKPC entered no contract with Siemens-Westinghouse. Like EnviroPower, Siemens-Westinghouse has only an expectation of a potential pecuniary benefit if it can influence the Commission's decision in this case, rather than a protected interest which is the subject of this case. Siemens-Westinghouse has made no demonstration of a substantial special interest in this case and would not meet the standard in 807 KAR 5:001 Section 3 (8) for full intervention.

2. Intervention by Siemens-Westinghouse will unduly disrupt and complicate this case-

Siemens-Westinghouse's motive for intervention in this case is the self-interest of a rejected bidder, as opposed to any desire to assist the Commission in properly evaluating this case. Its motivation is to promote its proposal, as well as the peaking proposal of RFP Bidder No. 29, which is also based on Siemens-Westinghouse combustion turbines, rather than to help the Commission determine the best proposal for the EKPC system. Siemens-Westinghouse's participation would not sufficiently assist the Commission in considering this case without unduly complicating or disrupting the proceedings. The Commission established an investigation of EKPC's RFP procedures in

PSC Case No. 2004-00423 to address EnviroPower's allegations of irregularities, has requested and received substantial information from EKPC concerning the evaluation of the RFP proposals, and has allowed EnviroPower to submit substantial information and comments. EKPC's testimony and data responses regarding the evaluation of all of the RFP proposals which are relevant to this case, including the proposals utilizing Siemens-Westingshouse equipment, will be subject to cross-examination at the hearing in this case, and EKPC contends that intervention by Siemens-Westingshouse is not required for the Commission to fully consider its statements or the fairness of EKPC's evaluation of its proposal.


3. Intervention in this case by Siemens-Westingshouse threatens EKPC confidential information-

The participation of a rejected bidder in the case as a full intervenor would involve the potential for access to EKPC confidential information. Such access to EKPC confidential information by Siemens-Westingshouse would constitute a serious commercial disadvantage to EKPC, and would provide Siemens-Westingshouse an unreasonable advantage over other bidders in future EKPC RFPs. EKPC's rights under KRS §61.870 and 807 KAR 5:001 Section 7 to protect such confidential information would be jeopardized by such intervention by Siemens-Westingshouse.

WHEREFORE, EKPC respectfully objects to the Petition to Intervene of Siemens-Westingshouse and urges the Commission to deny such intervention as unjustified, to protect the integrity of the proceedings in this case and to protect the rights of EKPC to its confidential information.

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 Petition to Intervene of Siemens-Westinghouse Power Corporation 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 May 3, 2005.



CHARLES A. LILE