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COMMISSION

Commonwealth of Kentucky
Before the Public Service Commission

In the Matter of:
THE APPLICATION OF KENTUCKY-AMERICAN)
WATER COMPANY FOR A CERTIFICATE OF) Case No. 2007-00134
CONVENIENCE AND NECESSITY AUTHORIZING)
THE CONSTRUCTION OF KENTUCKY RIVER)
STATION II, ASSOCIATED FACILITIES AND)
TRANSMISSION MAIN)

ATTORNEY GENERAL'S RESPONSE TO
KENTUCKY-AMERICAN WATER COMPANY'S
MOTION TO COMPEL

The Attorney General provides his Response to the Kentucky-American Water Company's Motion to Compel Adequate Discovery Responses from Louisville Water Company. He submits: The final decision in this proceeding should rest upon a thoroughly developed record.

Regardless of nuance in language or position, it is abundantly clear that the Louisville Water Company offers this Commission a plan that is in direct competition with the project that is the subject of Kentucky-American Water Company's application for a certificate. Any offer of a plan carries with it a duty to explain the plan in full.

For many years, Kentucky-American's activities regarding its sources of supply have been subject to exacting scrutiny. Given the magnitude of the issues at stake for Kentucky-American's activities in terms of dollars as well as the public interest for central Kentucky, the comprehensive review is wholly appropriate. That same level of review is equally applicable to any Louisville Water Company plan.


As the Commission conducts an item-by-item review of the Motion, the Attorney General asks that the Commission apply the same rules to LWC that it applies to any other applicant or party that assumes a burden of proof in a proceeding. Information such as Louisville Water Company's communications, internal documentation, and analysis is equally as relevant as that of Kentucky-American. While this request does not constitute unconditional support or adoption of Kentucky-American's Motion, the record with regard for any Louisville Pipeline plan that LWC places before this Commission should be as comprehensive as the record with regard to Kentucky-American's proposal.

Additionally, in terms of an orderly process, the Attorney General's goal is a process that minimizes data requests made during the evidentiary hearing. Comprehensive pre-hearing discovery is a key to furthering that goal. Goal noted; the Attorney General does not seek any modification of the existing procedural schedule.

WHEREFORE, the Attorney General notes his desire for thoroughly developed record and asks the Commission for an Order that holds the Louisville Water Company to the same level of review as it holds Kentucky-American Water Company.

Respectfully submitted,

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Notice of Filing and Certificate of Service

Counsel gives notice that the original and eight photocopies of the Attorney General's Response were filed by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601. Counsel also certifies service of this document by mailing a true and correct photocopy of the same, first class postage prepaid, to the parties of record. Filing and service took place this 16th day of October, 2007.

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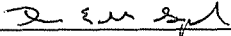
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