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COMMISSION

April 15, 2008

FACSIMILE AND MAILED

Ms. Stephanie L. Stumbo  
 Executive Director  
 Public Service Commission  
 Post Office Box 615  
 211 Sower Boulevard  
 Frankfort, KY 40602

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PUBLIC SERVICE  
COMMISSION

Re: PSC Case No. 2008-00128

Dear Ms. Stumbo:

Please find enclosed for filing with the Commission in the above-referenced case an original and ten copies of the Response and Objections of East Kentucky Power Cooperative, Inc., to the Petition to Intervene of Geoffrey M. Young.

Very truly yours,

A handwritten signature in cursive script that reads 'Charles A. Lile'.

Charles A. Lile  
 Corporate Counsel

Enclosures

Cc: Geoffrey M. Young

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

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APR 15 2008

PUBLIC SERVICE  
COMMISSION

**In the Matter of:**

**THE REVISION OF COGENERATION AND )  
SMALL POWER PURCHASE RATES OF ) CASE NO.  
EAST KENTUCKY POWER COOPERATIVE, INC. ) 2008-00128**

**RESPONSE AND OBJECTIONS OF EAST KENTUCKY  
POWER COOPERATIVE, INC., TO PETITION TO INTERVENE  
OF GEOFFREY M. YOUNG**

East Kentucky Power Cooperative, Inc. ("EKPC"), hereby responds and objects to the Petition to Intervene filed by Geoffrey M. Young in this case on April 10, 2008. The grounds for EKPC's objections are as follows:

1. Mr. Young, in his Petition to Intervene (the "Petition"), cites no statutory right to intervene in a Public Service Commission ("Commission") case, and has no right of intervention in this proceeding. Lacking such a right to intervene, Mr. Young seeks discretionary intervention pursuant to 807 KAR 5:001 Section 3 (8), which requires that a person seeking full intervention in a Commission case specify that he has "a special interest in the proceeding which is not otherwise adequately represented", or demonstrate that his intervention "is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings." Mr. Young's Petition fails to state facts which would justify the granting of such discretionary intervention in this case.

2. Mr. Young cites no relevant special interest in this case in his Petition. Mr. Young in no way represents the rate or service interests of the member systems of EKPC, or their member consumers, nor does he represent the interests of the owners of qualified cogeneration or small power production facilities ("Qualifying Facilities"), to

which the purchase rates and terms in the subject EKPC tariff apply. The subject tariff is governed by the provisions of 807 KAR 5:054, and this is not a proceeding to change any of the provisions of those regulations. Rather, this proceeding is for the purpose of updating EKPC's rates for the purchase of power and energy from such Qualifying Facilities, based on EKPC's avoided costs and the provisions of those regulations. Mr. Young does not claim to have any information concerning EKPC's avoided costs, and his identified concerns about environmental issues are not relevant to the revision of EKPC's purchase rates pursuant to 807 KAR 5:054. Mr. Young is attempting to improperly inject into this case his own personal interests in environmental issues, which are beyond the Commission's jurisdiction and the scope of this proceeding.

3. Mr. Young's inappropriate attempt to pursue his environmental agenda through intervention would in no way assist the Commission in fully considering the proper subject of this case- which is EKPC's avoided costs. Such intervention would, instead, burden the case with arguments and information which would not be material to the determination of fair, just and reasonable rates for EKPC's purchases from Qualifying Facilities, and would unduly complicate and disrupt the proceedings. In his petition, Mr. Young refers to various cogeneration and small power tariff issues that he raised on behalf of the Sierra Club in PSC Case No. 2006-00472, and states his intention to address those issues again in this proceeding<sup>1</sup>. The Commission has already ruled on the recommendations regarding EKPC's cogeneration and small power tariff made by Mr. Young in EKPC's rate case, all of which were rejected in the Commission's order dated December 5, 2007.<sup>2</sup> Mr. Young clearly plans to revisit these,

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<sup>1</sup> Young Petition, at p. 3-4.

<sup>2</sup> Order, PSC Case No. 2006-00472, December 5, 2007, at p. 38-41.

and potentially other, extreme arguments in an attempt to reinterpret and expand the scope of the cogeneration and small power purchase regulations.<sup>3</sup> Mr. Young's stated plans do not represent a proper role for an intervenor in this case, and would serve only to unduly complicate and disrupt the proceedings.

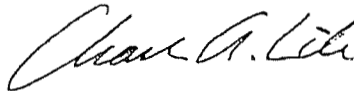
4. Mr. Young is not an attorney, and his petition is not filed by an attorney on his behalf. Mr. Young does not state that he is represented by counsel, and, presumably, he proposes to represent himself in this case. EKPC does not object in any way to Mr. Young submitting comments in the case, which is an appropriate way for him to participate. However, his self-representation as an intervenor would be another strong indication of the potential for undue complication and disruption of these proceedings. Mr. Young's Petition should be denied, pursuant to the criteria of 807 KAR 5:001 Section 3 (8).

WHEREFORE, EKPC formally objects to the Petition of Mr. Young, and urges the Commission to deny said Petition, for the reasons stated hereinabove.

Respectfully submitted,



DAVID A. SMART



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

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<sup>3</sup> Young Petition, at p. 3-4.

CERTIFICATE OF SERVICE

This is to certify that an original and ten (10) copies of the foregoing Response and Objections of East Kentucky Power Cooperative, Inc., to the Petition To Intervene of Geoffrey M. Young in the above-referenced case, were sent by first class mail, and a copy was transmitted by facsimile, to Stephanie L. Stumbo, Executive Director, Kentucky Public Service Commission, 211 Sower Boulevard, Post Office Box 615, Frankfort, Kentucky 40601, and one copy was sent by first class mail to Geoffrey M. Young, 454 Kimberly Place, Lexington, Kentucky 40503, on this 15<sup>th</sup> day of April, 2008.



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CHARLES A. LILE

# FACSIMILE COVER SHEET

## East Kentucky Power Cooperative

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PUBLIC SERVICE  
COMMISSION

DATE: Apr 15, 2008

TIME: \_\_\_\_\_

**PLEASE DELIVER THE FOLLOWING TO:**

NAME: Stephanie Stumbo  
Exec Director

FAX: 502-564-3460

COMPANY: PSC

CITY: \_\_\_\_\_

STATE: \_\_\_\_\_

FROM: Charles Lile

TOTAL NUMBER OF PAGES, INCLUDES THIS PAGE: 6

**SUBJECT MATTER/EXPLANATION OF TRANSMITTED MATERIAL:**

PSC Case No. 2008-00128

