

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

In the Matter of:

FILING OF EAST KENTUCKY POWER COOPERATIVE, )  
INC. TO REQUEST APPROVAL OF PROPOSED )  
CHANGES TO ITS QUALIFIED COGENERATION AND )  
SMALL POWER PRODUCTION FACILITIES TARIFF )

CASE NO.  
2008-00128

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SECOND PUBLIC COMMENT  
OF GEOFFREY M. YOUNG

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The Commission initiated this proceeding on April 4, 2008, after receiving EKPC's filing of proposed revisions to its QF tariff on March 31, 2008. I submitted a petition for full intervention on April 10, the Commission denied it on April 28, I submitted an application for rehearing of that decision on May 15, and the Commission denied that request on June 3.

Because I considered the Commission's decision denying my full intervention to be unreasonable and unjust, I felt compelled to bring an action in Franklin Circuit Court on June 20, 2008, asking the Court to overturn the Commission's decision, to declare that I should be made a full intervenor in this proceeding, and to reset the procedural schedule back to the point where EKPC would be required to respond to the questions I submitted in my first set of public comments, which I emailed to the Commission and other parties on May 12, 2008. This complaint was assigned the case number 08-CI-1043, and the file can be inspected at the Circuit Court or the PSC's office in Frankfort. As of today's date, there has not yet been time for this matter to have worked its way through the Court's process for a final determination.

As far as I can tell, the main reason the Commission has tried to exclude the full participation of environmentalists such as myself from this case is that it wants to do only a cursory and superficial job in assessing whether EKPC's proposed QF tariff conforms to certain provisions of 807 KAR 5:054, the regulation that governs small power production and cogeneration tariffs in Kentucky. The Commission does not appear to want to invest the time or effort that would be necessary to thoroughly consider whether EKPC's tariff meets the provisions of 807 KAR 5:054 as they currently exist.

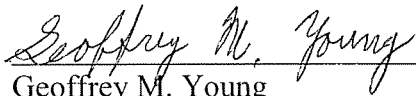
I respectfully urge the Commission not to issue any Decision regarding EKPC's proposed tariff revisions until after the Franklin Circuit Court completes Case Number 08-CI-1043, because it might have to cancel its Decision and go back and revise the tariff

again as a result of the Court's ruling and subsequent proceedings. That would lead to unnecessary complication and paperwork for EKPC and its member cooperatives.

In view of the Commission's Order of June 3, 2008 (pages 4-5), I feel it is incumbent upon me to state that any delay which this public comment might cause is the fault of the Commission because it unjustly denied my application for full intervention. Any complexity my intervention might add to this case is completely necessary and appropriate in the interest of helping the Commission do a thorough job of assessing EKPC's QF tariff. If my participation complicates the proceedings at all, it will not complicate them unduly.

In its Order of June 20, 2008, the Commission stated, "Any party requesting a hearing in this matter shall notify the Commission of its request in writing within 20 days of the date of this Order." Because I am not currently a full intervenor in this case, I infer that I would not be considered a full "party" and would not be allowed at this time to request a hearing. I would like to take this opportunity to inform the Commission and the full parties, however, that if the Court grants my two requests for relief, as set out in my complaint of 6/20/08, I plan to request a hearing in this case at the appropriate time in the future.

Respectfully submitted,



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June 24, 2008

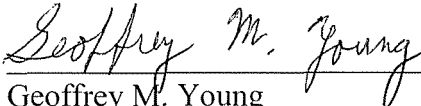
Date

**CERTIFICATE OF SERVICE**

I hereby certify that an original of the foregoing public comment was mailed to the office of Stephanie Stumbo, Executive Director of the Kentucky Public Service Commission, 211 Sower Boulevard, Frankfort, KY 40601, on this 24th day of June, 2008.

A Word file containing this public comment was emailed to the Commission and the following parties of record on this 24th day of June, 2008.

Signed,

  
Geoffrey M. Young

June 24, 2008

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