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PUBLIC SERVICE COMMISSION

January 5, 2009

HAND DELIVERED

Mr. Jeff Derouen Executive Director Public Service Commission 211 Sower Boulevard Frankfort, Kentucky 40602

Re: PSC Case No. 2008-00409

Dear Mr. Derouen:

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

Very truly yours,

David A. Smart General Counsel

Enclosures

Cc: Parties of Record

#### **COMMONWEALTH OF KENTUCKY**

### **BEFORE THE PUBLIC SERVICE COMMISSION**

### In the Matter of:

# GENERAL ADJUSTMENT OF ELECTRIC RATESPSC CASE NO.OF EAST KENTUCKY POWER)2008-00409COOPERATIVE, INC.)

### **RESPONSE OF EAST KENTUCKY POWER COOPERATIVE, INC. TO APPLICATION FOR REHEARING OF GEOFFREY M. YOUNG**

Comes now East Kentucky Power Cooperative, Inc. ("EKPC"), and offers its Response to the Application for Rehearing regarding the Petition for Full Intervention of Geoffrey M. Young.

EKPC objects to Mr. Young's Petition for Rehearing as the Order entered by the Commission on December 16, 2008 was correct and in compliance with the standards set forth in 807 KAR 5:001, Section 3(8)(b). That regulation provides that an individual's request for full intervention can be sustained by the Commission only if it determines that such individual has a special interest in the proceeding which is not otherwise adequately represented; or, that full intervention is likely to present issues or to develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.

EKPC agrees that allowing Mr. Young to intervene and to raise issues that are beyond the scope of the Commission's jurisdiction will unduly complicate and disrupt the proceedings. Moreover, Mr. Young has not demonstrated that his interest in the proceeding is so special that it will not be adequately represented by the Office of the Kentucky Attorney General.

Mr. Young's protestations to the contrary, EKPC believes that the Commission was correct in applying 807 KAR 5:001, Section 3(8)(b) in the first instance and it should likewise deny Mr. Young's Petition for Rehearing on the same grounds.

WHEREFORE, East Kentucky Power Cooperative, Inc., by and through counsel, prays for an Order of the Commission denying Mr. Young's Application for Rehearing.

Respectfully submitted,

David A. Smart

## **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served by U.S. Mail,

postage prepaid, on January 5, 2009 to the following:

Hon. Michael L. Kurtz Attorney at Law Boehm, Kurtz & Lowry 36 East Seventh Street Suite 1510 Cincinnati, Ohio 45202

Hon. Dennis G. Howard, II Assistant Attorney General Office of Rate Intervention P. O. Box 2000 Frankfort, Kentucky 40602-2000

Counsel for East Kentucky Power Cooperative, Inc.