

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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APR 22 2009

PUBLIC SERVICE  
COMMISSION

In the Matter of:

MR. AND MRS. JAMES RIDDICK )  
 )  
 COMPLAINTS )  
 )  
 v. )  
 )  
 AMERICAN ELECTRIC POWER, )  
 KENTUCKY POWER COMPANY )  
 GRAYSON RURAL ELECTRIC )  
 )  
 DEFENDANTS )

Case No. 2009-00020

Motion to Extend Period For Filing A Reply  
To Complainants' Response

Kentucky Power Company moves the Public Service Commission of Kentucky for an Order granting it leave through and including April 28, 2009 in which to file its Reply to the Complainants' Response to Kentucky Power's Motion to Dismiss. In support thereof Kentucky Power states:

1. This is an action by Mr. and Mrs. Riddick requesting an Order from the Commission relieving the Riddicks of their obligation under 807 KAR 5:041, Section 11(2)(a) and 807 KAR 5:041, Section 11(3), as well as pages 2-4 to 2-6 of Kentucky Power's tariffs, to pay the cost of extending an existing distribution line in Lawrence County, Kentucky 8,940 feet to serve their newly constructed home.<sup>1</sup>

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<sup>1</sup> Under the regulations and tariffs, the Riddicks are required to pay the average cost for 7,940 feet of the extension. Kentucky Power offered, in accordance with its usual practice, to assume the cost of an additional 2,000 feet of extension because a shorter route was not available because of the refusal of an adjoining landowner to grant the required right-of-way.

2. Kentucky Power filed its answer to the Riddicks' complaint February 9, 2009. In its answer Kentucky Power requested that the Commission dismiss the Riddicks' complaint for failure to state a claim upon which relief may be granted.

3. On February 23, 2009 the Commission issued an Order directing the Riddicks to respond within twenty days to Kentucky Power's Motion to Dismiss their complaint. When the Riddicks' failed to comply with the Commission's Order, Kentucky Power on March 30, 2009 renewed its motion to dismiss the Riddicks' complaint.

4. On April 3, 2009 the Commission issued a further order granting the Riddicks a second opportunity to file a response, and ordering the response be filed within 20 days of the date of the order. The Commission also granted Kentucky Power and Grayson Rural Electric Cooperative Corporation ten days to file their replies to any response filed by the Riddicks.

5. On April 6, 2009, the Riddicks filed their response with the Commission. Neither Kentucky Power nor its counsel received the response. The Riddicks' response does not bear a certificate of service, and there is no evidence that the Riddicks served their response on counsel for the defendants as required by 807 KAR 5:001, Section 4(10).

6. Kentucky Power and its counsel did not discover that the Riddicks had filed their response in this matter until late in the afternoon of Tuesday, April 21, 2009. Kentucky Power discovered the Riddicks' response through its periodic review of case documents made available through the Commission's webpage.

7. Under the literal terms of the Commission's April 3, 2009 Order, the time for filing a reply to the Riddicks' response ended on April 16, 2009, five days prior to Kentucky Power and its counsel learning of the Riddicks' response.

8. Kentucky Power respectfully requests that it be granted leave to file its reply on or before April 28, 2009. The requested extension provides Kentucky Power a shorter period to reply than was granted Kentucky Power under the Commission's April 3, 2009 Order. The requested extension will not prejudice any party to this matter. In fact, a procedural schedule has not been entered in this matter and no hearing has been scheduled.

Wherefore, Kentucky Power respectfully requests that it be granted leave to file its reply to the Riddicks' motion on or before April 28, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark R. Overstreet', is written over a horizontal line. The signature is stylized and somewhat cursive.

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COUNSEL FOR KENTUCKY POWER  
COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by United States First Class Mail, postage prepaid, on this 22<sup>nd</sup> day of April, 2009 upon:

Mr. and Mrs. James Riddick  
1230 Rockhouse Trace Road  
Louisa, Kentucky 41230

Wilson & Bailey  
101 West Madison Street # 2  
Louisa, Kentucky 41230



Mark R. Overstreet