

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COLUMBIA GAS OF KENTUCKY, INC. FOR AN ADJUSTMENT IN RATES))	CASE NO. 2009-00141
---	--------	------------------------

APPLICATION OF COLUMBIA GAS OF KENTUCKY, INC. TO ESTABLISH A REGULATORY ASSET RELATED TO PENSION AND OTHER POST- RETIREMENT BENEFIT EXPENSES))))	CASE NO. 2009-00168
---	------------------	------------------------

O R D E R

Before the Commission are the motions of the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), for a modified procedural schedule in Case No. 2009-00141 and consolidation of Case Nos. 2009-00141 and 2009-00168.

In support of his motion for a modified procedural schedule in Case No. 2009-00141, the Attorney General states that the experts he retained for the case have pre-existing commitments that prevent them from finishing testimony within the time frame set out in the procedural schedule. The Attorney General requests that he and the other Intervenors be allowed two additional days to file their testimonies, as well as two additional days for all remaining steps in the procedural schedule. The Attorney General’s motion states that counsel for Columbia Gas of Kentucky, Inc. (“Columbia”) has no objection to the proposed extension provided that Columbia receives two extra days for the completion of all other tasks remaining on the procedural schedule and that no other Intervenor objects to the motion.

In support of his motion to consolidate Case Nos. 2009-00141 and 2009-00168, the Attorney General states that the two cases share common facts and that the relevant facts are so intertwined that a resolution of Case No. 2009-00168 cannot be made without a full resolution of the rate issues in Case No. 2009-00141. The Attorney General also contends that the interests of administrative economy and the parties to both cases would also be served by consolidation.

FINDINGS AND CONCLUSION

Based on the evidence of record and being otherwise advised, the Commission finds that the Attorney General has provided sufficient support for a modified procedural schedule in Case No. 2009-00141 to the extent that he and other Intervenors should be allowed two additional days to file testimony and that the parties and Commission Staff should be allowed two additional days to file data requests on that testimony. The Commission finds that extending these two dates should adequately address the Attorney General's scheduling concerns without unduly burdening the Commission or any other party. Therefore, all other dates in the existing procedural schedule in Case No. 2009-00141 should remain unchanged. Accordingly, the Intervenors' responses to data requests are due on the date provided in the existing schedule. In summary, two additional days should be allowed for the filing of Intervenor testimony and data requests to Intervenors, but those are the only dates in the existing procedural schedule that will be extended.

As to the Attorney General's motion to consolidate Case Nos. 2009-00141 and 2009-00168, the Commission finds that it should be denied. The Attorney General is the only intervening party in Case No. 2009-00168 and has submitted data requests to

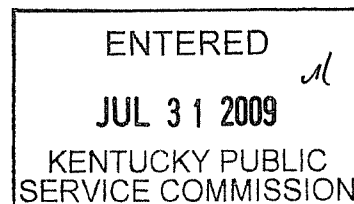
which Columbia has responded. Otherwise, the Attorney General did not avail himself of the opportunity he was afforded to file testimony or provide comments in the case. We are not persuaded by the Attorney General's argument that consolidating the two cases will contribute to administrative economy and serve the interests of other parties in Case No. 2009-00141, since none of them are parties to Case No. 2009-00168.

IT IS THEREFORE ORDERED that:

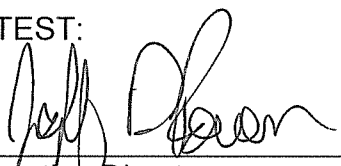
1. The procedural schedule in Case No. 2009-00141 shall be amended to require Intervenor testimony to be filed no later than July 29, 2009 and requests for information to Intervenors to be filed no later than August 12, 2009. In all other respects, the procedural schedule shall remain unchanged.

2. The Attorney General's motion to consolidate Case Nos. 2009-00141 and 2009-00168 is denied.

By the Commission



ATTEST:



Executive Director

Case No. 2009-00141
Case No. 2009-00168

Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601-8204

Honorable Stephen B Seiple
Attorney at Law
Columbia Gas of Kentucky, Inc.
200 Civic Center Drive
P.O. Box 117
Columbus, OH 43216-0117