

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	CASE NO.
COMPANY FOR A GENERAL ADJUSTMENT)	2009-00459
OF ELECTRIC RATES)	

O R D E R

Pending before the Commission are two letters, which we will treat as motions, requesting intervention on behalf of Kentucky Electric Steel (“KES”) and the Hazard Perry County Community Ministries, Inc. (“HPCCM”). Both KES and HPCCM are listed as corporations on the website maintained by the Kentucky Secretary of State. However, none of the signatories to either motion are listed as Kentucky licensed attorneys on the website maintained by the Kentucky Bar Association.

No person may engage in the practice of law in Kentucky without first obtaining a license to practice. The Kentucky Supreme Court defines the practice of law as:

[A]ny service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.¹

The practice of law includes the representation of a corporation before a state administrative agency.²

¹ Supreme Court Rule 3.020.

² See Kentucky State Bar Association v. Henry Vogt Machine Co., 416 S.W.2d 727 (Ky. 1967).

Based on the motions to intervene filed by KES and HPCCM, the Commission finds that neither motion can be accepted for filing because neither is signed by a Kentucky licensed attorney. Should either KES or HPCCM decide to renew their respective requests for intervention, such requests must be in compliance with the Commission's regulations on intervention, 807 KAR 5:001, Section 3(8). For example, should KES decide to refile to request full intervention, it will have to address either how its interest is not otherwise adequately represented by the industrial customers who have already intervened, or how it is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Similarly, should HPCCM decide to refile for intervention, it will need to demonstrate how its interests differ from those of the Pike County Senior Citizens Programs, Inc., which has been granted limited intervention.

Also pending before the Commission are five letters requesting intervention on behalf of each of the following customers of Kentucky Power Company ("Kentucky Power"): Mr. and Mrs. Johnny Mullins, Renee Allen, Gennieve Allen, Victoria and Ronald Adkins, and Jeffrey Caudill. All of the individuals state that they are currently having difficulty paying their electric bills and that they will be unable to afford any increase in those bills. The Commission notes that, on January 15, 2010, full intervention was granted to the Attorney General's Office of Rate Intervention ("AG") on behalf of the ratepayers of Kentucky Power. None of the letters from these individuals states why their individual interests are not adequately represented by the AG or why their individual interests differ from those of Kentucky Power's other 144,000 residential customers. Based on this record, the Commission finds that these individual ratepayers

are adequately represented by the AG and their individual requests to intervene should be denied. However, these five letters will be treated as protests and included in the official record of this case.

In addition, all of Kentucky Power's ratepayers will have an opportunity to voice their opinions on the proposed rate adjustments at the public hearings to be held by the Commission in Kentucky Power's service territory. These hearings will be scheduled in approximately two or three months and notice of the locations and dates will be given to the public. Kentucky Power's ratepayers can also review all documents filed in this case and monitor the proceedings via the Commission's website at the following web address: <http://psc.ky.gov/Home/Library?type=Cases&folder=2009%20cases/2009-00459>. Lastly, Kentucky Power's ratepayers may file comments as frequently as they choose, and those comments will be entered into the record of this case.

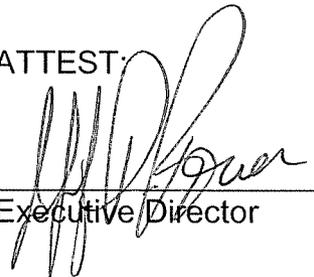
IT IS THEREFORE ORDERED that:

1. The motions to intervene filed by KES and HPCCM are rejected for filing.
2. In the event that either KES or HPCCM decides to refile a request for intervention, the request must be in conformance with 807 KAR 5:001, Section 3(8), and must be signed by a Kentucky licensed attorney.
3. The motions to intervene filed by Mr. and Mrs. Johnny Mullins, Renee Allen, Gennieve Allen, Victoria and Ronald Adkins, and Jeffrey Caudill are denied, but their motions shall be treated as protests and included in the official record of this case.

By the Commission

ENTERED
FEB 12 2010 *M*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2009-00459

Paul D Adams
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601-8204

Matthew J Satterwhite
American Electric Power Service Corp
1 Riverside Plaza, Legal Dept 29th F
Columbus, OH 43215-2373

Joe F Childers
Getty & Childers
1900 Lexington Financial Center
250 West Main Street
Lexington, KY 40507

Holly Rachel Smith
Hitt Business Center
3803 Rectortown Road
Marshall, VA 20115

Richard Hoppgood
Wyatt, Tarrant & Combs, LLP
250 West Main Street
Suite 1600
Lexington, KY 40507-1746

Errol K Wagner
Director of Regulatory Services
American Electric Power
101A Enterprise Drive
P. O. Box 5190
Frankfort, KY 40602

Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OH 45202

Steven T Nourse
American Electric Power Service Corp
1 Riverside Plaza, Legal Dept 29th F
Columbus, OH 43215-2373

Honorable Mark R Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
P. O. Box 634
Frankfort, KY 40602-0634

Stephen A Sanders
Appalachian Citizens Law Center, Inc
317 Main Street
Whitesburg, KY 41858