

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION AND COMPLAINT OF KENTUCKY)
POWER COMPANY FOR A DECLARATION OF)
ITS RIGHT TO SERVE THE MOUNTAIN)
ENTERPRISES, INC. ASPHALT PLANT AND)
THE PROPOSED MOUNTAIN MATERIALS,)
INC. ROCK CRUSHERS AND QUARRY)
LOCATED IN CARTER COUNTY, KENTUCKY)
IN LIEU OF GRAYSON RURAL ELECTRIC)
COOPERATIVE CORPORATION; OR,)
ALTERNATIVELY, FOR AN ORDER)
CORRECTING THE CERTIFIED TERRITORY)
MAP OF THE AREA BOUNDED BY THE)
INTERSECTION I-64 AND U.S. 60 AND)
NEARBY VICINITY IN CARTER COUNTY,)
KENTUCKY TO INCLUDE THE SITES OF THE)
PROPOSED MOUNTAIN ENTERPRISES, INC.)
ASPHALT PLANT AND THE PROPOSED)
MOUNTAIN MATERIALS, INC.'S ROCK)
CRUSHERS AND QUARRIES IN KENTUCKY)
POWER COMPANY'S CERTIFIED TERRITORY)

CASE NO.
2009-00485

O R D E R

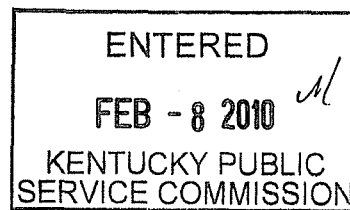
On January 26, 2010, Kentucky Power Company ("Kentucky Power") filed a Motion requesting that its Complaint and Petition, filed on December 9, 2009, be dismissed without prejudice. The Complaint and Petition had requested the Commission to issue a declaratory Order authorizing Kentucky Power to provide electric service to a new rock crusher and quarry to be operated by Mountain Materials, Inc., and to a new asphalt plant, to be operated by Mountain Enterprises, Inc., all to be located in Carter County, Kentucky.

Based on the Motion and being otherwise sufficiently advised, the Commission finds good cause to dismiss Kentucky Power's Complaint and Petition without prejudice.

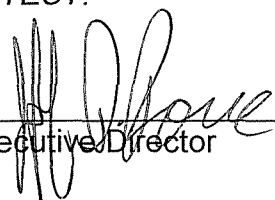
IT IS THEREFORE ORDERED that Kentucky Power's Complaint and Petition is dismissed without prejudice and this case is closed and removed from the Commission's docket.

By the Commission

Commissioner Borders Abstains.



ATTEST:


Executive Director

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