

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY FOR APPROVAL OF RENEWABLE)	CASE NO.
ENERGY PURCHASE AGREEMENT FOR WIND)	2009-00545
ENERGY RESOURCES BETWEEN KENTUCKY)	
POWER COMPANY AND FPL ILLINOIS WIND,)	
LLC		

O R D E R

The matter is before the Commission upon Kentucky Power Company's ("Kentucky Power") motion to strike Exhibit A of the joint post-hearing brief of the Attorney General ("AG") and the Kentucky Industrial Utility Customers, Inc. ("KIUC") (collectively "Intervenors"), along with those portions of page 8 of the brief utilizing information contained in Exhibit A. Kentucky Power asserts that Exhibit A contained information which was not part of the evidentiary record and appears for the first time in the joint brief of the AG and KIUC. Kentucky Power contends that the introduction of Exhibit A at this time would violate 807 KAR 5:001, Section 5(4), which prohibits the receipt of evidence after the close of testimony.

In the alternative, Kentucky Power requests that it be granted leave to file a brief response to the Intervenors' joint brief, which response was attached to the motion to strike.

A joint resolution was subsequently filed by the Intervenors and Kentucky Power, advising that the parties had reached a resolution to their dispute regarding the extra-record information contained in the Intervenors' joint brief. The parties request the

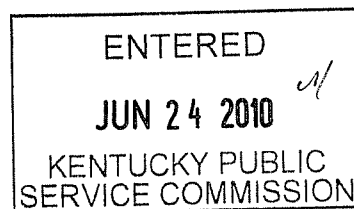
Commission accept Kentucky Power's response to Intervenors' joint brief and Kentucky Power will withdraw its motion to strike.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission will accept Kentucky Power's response to the Intervenors' joint brief as part of the record in this matter.

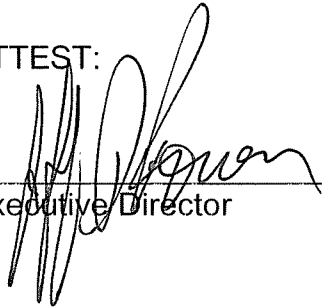
IT IS THEREFORE ORDERED that:

1. Kentucky Power's response to the Intervenors' joint brief is deemed filed as part of the official record in this matter.
2. Kentucky Power's motion to strike is withdrawn as stipulated to pursuant to the Joint Notice of Proposed Mutual Resolution to Issues Regarding the Parties' Post-Hearing Briefs.

By the Commission



ATTEST:



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