

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER) CASE NO.
COOPERATIVE, INC. FOR GENERAL) 2010-00167
ADJUSTMENT OF ELECTRIC RATES)

ORDER

The matter is before the Commission upon a joint motion filed by Grayson Rural Electric Cooperative Corporation ("Grayson") and East Kentucky Power Cooperative, Inc. ("EKPC") requesting permission to withdraw Grayson's motion to reopen this rate case. Grayson and EKPC indicate that they entered into a settlement agreement that resolves many of the issues raised by Grayson's motion to reopen and in other proceedings involving Grayson and EKPC.¹ As a result of the settlement, Grayson has agreed to no longer pursue any relief in this matter. Accordingly, Grayson and EKPC request permission for Grayson to withdraw its motion to reopen.

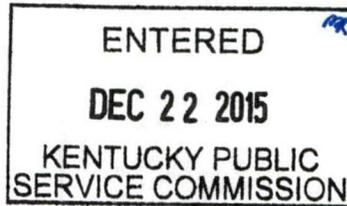
Having reviewed the joint motion and being otherwise sufficiently advised, the Commission finds that by Order entered January 14, 2011, new rates and charges were approved for EKPC, and this case was closed. Grayson was not a party to this rate case, and it had no right to request a rehearing pursuant to KRS 278.400 or to bring an action for review pursuant to KRS 278.410. Based on the joint motion to withdraw, we find good cause to dismiss as moot Grayson's motion to reopen.

¹ See Case No. 2012-00503, *Petition and Complaint of Grayson Rural Electric Cooperative Corporation for an Order Authorizing Purchase of Electric Power at the Rate of Six Cents per Kilowatts of Power vs. a Rate in Excess of Seven Cents per Kilowatt Hour Purchased from East Kentucky Power Cooperative under a Wholesale Power Contract as Amended Between Grayson Rural Electric Cooperative Corporation and East Kentucky Power Cooperative Inc.* (Application filed Nov. 19, 2012).

IT IS THEREFORE ORDERED that:

1. The joint motion of Grayson and EKPC to withdraw Grayson's motion to reopen is granted.
2. All other pleadings filed by Grayson or EKPC in connection with Grayson's motion to reopen are denied as moot.

By the Commission



ATTEST:



Executive Director

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

*East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*Mark David Goss
Frost, Brown, Todd, LLC
250 West Main Street
Suite 2800
Lexington, KENTUCKY 40507

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

Ann F Wood
East Kentucky Power Cooperative, Inc.
P. O. Box 707
Winchester, KY 40392-0707