

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

PUBLIC SERVICE
COMMISSION

AN INVESTIGATION OF EAST KENTUCKY)
POWER COOPERATIVE, INC.'S NEED FOR)
THE SMITH 1 GENERATING FACILITY)

CASE NO. 2010-00238

**JOHN A. PATTERSON, M.D., MSPH, FR. JOHN RAUSCH, AND WENDELL BERRY'S
RESPONSE TO THE COMMISSION'S SEPTEMBER 7, 2010 ORDER**

On September 7, 2010, the Kentucky Public Service Commission (Commission) issued an Order in this case. John A. Patterson, M.D., MSPH, Fr. John Rausch, and Wendell Berry (collectively, "Retail Customers"), now offer their response to the Order.

On September 10, 2010, East Kentucky Power Cooperative, Inc. (EKPC) filed its response to the Commission's September 7, 2010 Order. The Retail Customers agree with and support Sections (1) – (3) of EKPC's Response.¹ More specifically, should the Commission decide to hold the case in abeyance for 60 days, the Retail Customers intend to use that time to attempt to reach an agreement in which EKPC would decide to not build Smith 1. The Retail Customers note that the Certificate of Public Convenience and Necessity granted by the Commission to EKPC for Smith 1 is an authorization, but not a requirement to build Smith 1. See KRS § 278.020(1). Should EKPC decide not to build Smith 1, items 4, 5, and 7 and parts of items 6 and 8 identified in the Commission's June 22, 2010 Order initiating this case would be moot. Furthermore, the part of the June 22, 2010 Order which stated that this case is, in part, an "investigation of East Kentucky's need for Smith 1" would appear to be moot.

¹ The Retail Customers do not have sufficient information to take a position on Section (4) of EKPC's Response.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that I had the above served via e-mail to the following on September 13, 2010:

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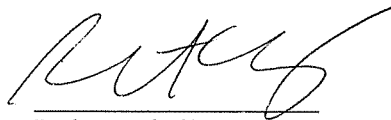
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A handwritten signature in black ink, appearing to read 'R. Ukeiley', written over a horizontal line.

Robert Ukeiley