



Via Courier

May 15<sup>th</sup>, 2013

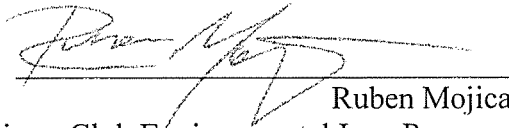
Mr. Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

**Re: Docket Case No. 2012-00578**

Dear Mr. Derouen:

Enclosed for the filing are an original and ten copies of the *ALEXANDER DESHA, TOM VIERHELLER, BEVERLY MAY, AND SIERRA CLUB'S MOTION TO AMEND PROCEDURAL SCHEDULE* and a certificate of service in docket 2012-00578 before the Kentucky Public Service Commission. This filing contains no confidential information.

Sincerely,



Ruben Mojica  
Sierra Club Environmental Law Program  
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(415)977-5737

RECEIVED

MAY 15 2013

PUBLIC SERVICE  
COMMISSION

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

**APPLICATION OF KENTUCKY POWER COMPANY FOR (1) A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING THE TRANSFER TO THE COMPANY OF AN UNDIVIDED FIFTY PERCENT INTEREST IN THE MITCHELL GENERATING STATION AND ASSOCIATED ASSETS; (2) APPROVAL OF THE ASSUMPTION BY KENTUCKY POWER COMPANY OF CERTAIN LIABILITIES IN CONNECTION WITH THE TRANSFER OF THE MITCHELL GENERATING STATION; (3) DECLARATORY RULINGS; (4) DEFERRAL OF COSTS INCURRED IN CONNECTION WITH THE COMPANY'S EFFORTS TO MEET FEDERAL CLEAN AIR ACT AND RELATED REQUIREMENTS; AND (5) ALL OTHER REQUIRED APPROVALS AND RELIEF**

**Case No. 2012-00578**

**ALEXANDER DESHA, TOM VIERHELLER, BEVERLY MAY, AND SIERRA CLUB'S  
MOTION TO AMEND PROCEDURAL SCHEDULE**

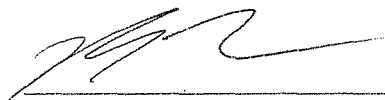
On April 10, 2013, the Kentucky Public Service Commission issued an Order scheduling a hearing in the above-captioned docket for May 29, 2013. On May 10, 2013, it came to the attention of counsel for Alexander Desha, Tom Vierheller, Beverly May, and Sierra Club ("Sierra Club") that Sierra Club's witness, Tim Woolf, has conflicts that will prevent him from attending hearings on May 29 or May 30. Mr. Woolf has a prior commitment to speak and participate at a conference in Boston on May 29 and will not be able to travel to Kentucky until

late in the day on May 30, 2013. Despite his best efforts, Mr. Woolf has not been able to reschedule this speaking commitment. Mr. Woolf is available to appear on May 31, 2013 if the evidentiary hearings are extended to three days.

Additionally, Sierra Club believes that the number of witnesses proffered by Kentucky Power Company and intervenors, the complexity and depth of the issues raised by the application, and the volume of testimony and rebuttal testimony produced warrant three days of evidentiary hearings. Adding a third day of hearings would allow all parties to conduct concise but thorough cross-examination of witnesses, thereby improving the quality of the evidentiary record before the Commission.

Sierra Club hereby petitions to Commission to amend the procedural schedule in this docket to allow three days of evidentiary hearings from May 29 to May 31st, and further requests that Mr. Woolf be allowed to appear at the May 31<sup>st</sup> hearing date. Sierra Club has conferred with Kentucky Power Company, and other intervenors and reports that there are no objections to allowing Mr. Woolf to appear on May 31 provided the Commission extends the hearing to three days.

Respectfully submitted,



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Dated: May 15, 2013

## CERTIFICATE OF SERVICE

I certify that I mailed a copy of Alexander Desha, Tom Vierheller, Beverly May, And Sierra Club's Motion to Amend Procedural Schedule by first class mail on May 15<sup>th</sup>, 2013 to the following:

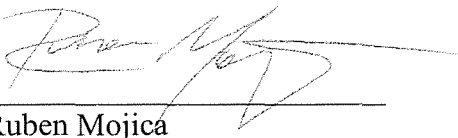
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Ruben Mojica