

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY TO WITHDRAW ITS TARIFF RTP)	CASE NO.
PENDING SUBMISSION BY THE COMPANY)	2012-00226
AND APPROVAL BY THE COMMISSION OF A)	
NEW REAL-TIME PRICING TARIFF)	

ORDER

On June 1, 2012, Kentucky Power Company ("Kentucky Power") filed an application for authority to withdraw its existing experimental RTP tariff. On June 8, 2012, the Commission issued an Order granting the Kentucky Industrial Utility Customers, Inc. ("KIUC") intervention and set a deadline of June 15, 2012 for any other motions for intervention to be filed and for Kentucky Power to file its Response to KIUC's Response and Motion to Dismiss.

On June 11, 2012, Kentucky Power filed a second application pursuant to KRS 278.180 and 807 KAR 5:011 for approval of its Experimental Real-Time Pricing Rider ("Rider RTP") contingent upon the Commission granting Kentucky Power's June 1, 2012 application to withdraw its existing Tariff RTP that is the subject of this proceeding. Kentucky Power's second application also requested that the Commission find good cause to allow the 30-day notice period required by KRS 278.180(1) to be shortened so that its proposed Rider RTP could become effective on July 1, 2012.

On June 15, 2012, Kentucky Power filed its Response to KIUC's Motion to Dismiss the Kentucky Power Application to Withdraw Tariff RTP. In its response,

Kentucky Power argues that the KIUC motion to dismiss should be denied and that Kentucky Power's application to withdraw its existing Tariff RTP should be granted.

KRS 278.180(1) requires that no change shall be made by any utility to any rate except upon 30 days' notice to the Commission, stating plainly the changes proposed to be made and the time when the changed rates will go into effect. That statute also authorizes the Commission, upon a showing of good cause, to shorten the notice period from 30 days to a period of not less than 20 days. Kentucky Power has requested that the Commission shorten the notice period to no less than 20 days for both its proposal to withdraw its existing Tariff RTP and its request for approval of its proposed Rider RTP. Kentucky Power has also requested the Commission enter an Order: (1) approving its proposed Rider RTP effective July 1, 2012, contingent upon the withdrawal of its existing Tariff RTP effective June 27, 2012;¹ and (2) prohibiting any customers from taking service under the existing Tariff RTP in the event the Commission is unable to act on the request to withdraw by June 27, 2012, or the Commission elects not to permit the RTP tariff to be withdrawn prior to July 1, 2012.

Based on a review of the record, the Commission finds that:

1. An investigation will be necessary to determine the reasonableness of Kentucky Power's proposed Rider RTP.
2. The investigation of Kentucky Power's proposed Rider RTP should be conducted in this case concurrently with our investigation of Kentucky Power's request to withdraw its existing Tariff RTP.

¹ The Application, filed June 1, 2012 at page 5, paragraph 16, requests that the withdrawal of Tariff RTP be effective June 28, 2012; while the relief sought at page 6, paragraph 1 requests the withdrawal of Tariff RTP be effective June 27, 2012.

3. Our investigation of the proposed Rider RTP and the existing Tariff RTP cannot be concluded prior to July 1, 2012.

4. The procedural schedule set forth in Appendix A attached hereto and incorporated herein should be followed.

Consequently, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed rates in Kentucky Power's proposed Rider RTP for five months from July 1, 2012, up to and including November 30, 2012. The Commission will take under advisement the issue of the reasonableness of prohibiting any customers from taking service under Tariff RTP after July 1, 2012.

IT IS THEREFORE ORDERED that:

1. Kentucky Power's proposed Rider RTP shall be investigated as part of this case.

2. Kentucky Power's proposed Rider RTP is hereby suspended for five months from July 1, 2012, up to and including November 30, 2012.

3. That portion of Kentucky Power's application requesting the Commission prohibit any customers from taking service under Tariff RTP after July 1, 2012 is taken under advisement and will be ruled on at a later date.

4. The procedural schedule set forth in Appendix A attached hereto and incorporated herein shall be followed.

5. a. Responses to requests for information shall be appropriately bound, tabbed, and indexed and shall include the name of witness responsible for responding to the questions related to the information provided, with copies to all parties of record and six copies to the Commission.

b. Each response shall be under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

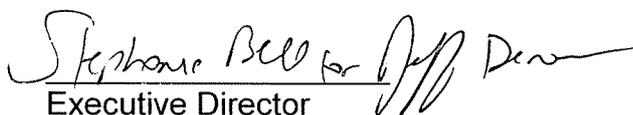
6. Any party filing testimony shall file an original and ten copies.

7. At any public hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.

8. The Commission does not look favorably upon motions for continuance. Consequently, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

9. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

ATTEST:


Executive Director

By the Commission

ENTERED 
JUN 21 2012
KENTUCKY PUBLIC SERVICE COMMISSION

Case No. 2012-00226

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2012-00226 DATED **JUN 21 2012**

- All initial requests for information to Kentucky Power Company
("Kentucky Power") shall be filed no later than 6/29/12
- Kentucky Power shall file responses to initial requests
for information no later than..... 7/13/12
- All supplemental requests for information to
Kentucky Power shall be filed no later than 7/27/12
- Kentucky Power shall file responses to
supplemental requests for information no later than..... 8/10/12
- Intervenor testimony, if any, in verified prepared
form, shall be filed no later than..... 8/24/12
- All requests for information to Intervenors shall
be filed no later than 9/07/12
- Intervenors shall file responses to requests for
information no later than 9/21/12
- Kentucky Power shall file, in verified form,
its rebuttal testimony no later than..... 10/05/12
- Last day for Kentucky Power
to publish notice of hearing (To be scheduled)
- Public Hearing in Hearing Room 1
of the Commission's offices at 211 Sower Boulevard,
Frankfort, Kentucky, for the purpose of cross-examination
of witnesses of Kentucky Power and Intervenors (To be scheduled)

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