



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE LAWRENCE COUNTY ATTORNEY

COUNTY ATTORNEY  
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JUL 1 2013  
PUBLIC SERVICE  
COMMISSION

June 26, 2013

Kentucky Public Service Commission  
**ATTN: JEFF DEROUER, EXECUTIVE DIRECTOR**  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

RE: CASE NO: 2012-00578  
LAWRENCE COUNTY, KENTUCKY'S MOTION TO INTERVENE

Dear Mr. Derouer:

Enclosed please find the original and ten (10) copies of our Response in Opposition to Motion to Intervene, in the above-styled case, for filing in your office.

Should you have any questions, or require additional information, please do not hesitate to contact me at 606 638-4051. Thank you in advance for your assistance in this matter.

Sincerely,

Denise M. Maynard  
Legal Assistant

/dmm  
Enclosures  
Cc: file

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

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PUBLIC SERVICE  
COMMISSION

**IN THE MATTER OF:**

**APPLICATION OF KENTUCKY POWER COMPANY IN  
CONNECTION WITH THE TRANSFER OF AN UNDIVIDED  
FIFTY PERCENT INTEREST IN THE MITCHELL GENERATING  
STATION AND CERTAIN RELATED RELIEF**

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**LAWRENCE COUNTY KENTUCKY'S REPLY TO KENTUCKY POWER COMPANY'S  
RESPONSE IN OPPOSITION TO MOTION TO INTERVENE  
CASE NO: 2012-00578**

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The Response of Kentucky Power Company is somewhat perplexing. In their response, Kentucky Power says they have tremendous respect for Lawrence County, Kentucky, but then they oppose Lawrence County, Kentucky's Motion to Intervene, seemingly contradicting their statement.

To date, all the Interveners who have sought and been granted Intervention in this matter, did so without opposition. It is perplexing why the Applicant would then oppose intervention by the party that has the most at stake. However, in an effort to address any matters of concern, the following Response is made:

1. Lawrence County Kentucky's Motion is timely. Lawrence County, Kentucky admits that the application to intervene was filed on June 7, 2013. However, actual notice of intent to do so was given by the undersigned counsel at the Public Service Commission scheduled hearing which he attended in Frankfort, Kentucky on May 16, 2013. Further, the County was not put on notice by Kentucky Power Company of any of the pending matters. The undersigned counsel and other county officials were unaware of the intent of the transfer of assets and closure of Big Sandy Plant until the Public Service Commission actually announced the public comment meeting in Louisa, Kentucky on May 14, 2013. It was at that time that county officials became aware of the intent of this action. Counsel for Kentucky Power Company's attempt to input some unknown media reports as notice to Lawrence County, Kentucky, but fail to present any evidence of actual notice.
2. The undersigned was unaware that a case concerning the Big Sandy Plant had been filed, having received no pleadings, discovery, or otherwise, in this case. Lawrence

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County, Kentucky filed its Motion to Intervene on June 7, 2013 upon receiving knowledge of the case. Lawrence County was only made aware of the pleadings in late spring, (March or April, 2013). The initial pleadings were filed on December 19, 2012.

3. Lawrence County, Kentucky has a special interest in this case, not already adequately represented in that the Big Sandy Plant will have a huge economic impact on our area, including the citizens and small businesses that have lived and worked here their entire lives. Kentucky Power is a critical component of Lawrence County and surrounding vicinities, and although the applicant advocates the position that the Attorney General represents the citizens, only Lawrence County can adequately advance the interests of the community.

Additionally, the Attorney General may advocate on behalf of the interests of the Commonwealth as a whole, but the interests of the many do not always coincide with the interest of the few. Therefore, Lawrence County is a necessary party in representing the 'few' in this case.

4. Lawrence County, Kentucky will not unduly complicate proceedings. We will be ready to move forward on this case on or before July 10, 2013. Lawrence County is prepared to present any discovery, testimony or otherwise, necessary to satisfy its participation/intervention in this case. The County will not delay or otherwise complicate the matter, and should therefore be permitted to intervene and contribute in consideration of this matter in the interest of justice.

**WHEREFORE**, counsel for Lawrence County, Kentucky, hereby moves the Public Service Commission to grant his Motion to Intervene.

  
Hon. Michael T. Hogan  
Lawrence County Attorney  
122 South Main Cross Street  
Louisa, KY 41230  
(606) 638-4051  
(606) 638-3437

**CERTIFICATE OF SERVICE**

I hereby certify that the **original and ten (10) copies** were mailed to **Jeff Derouen, Executive Director of the Public Service Commission, 211 Sower Boulevard, Frankfort, KY 40601.**

I hereby certify that a true and correct copy of the foregoing was mailed postage prepaid to the following counsel and/or parties of record:

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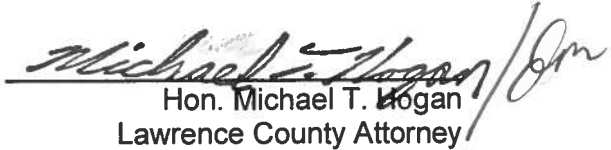
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**On this the 24<sup>th</sup> day of June, 2013.**

  
Hon. Michael T. Hogan  
Lawrence County Attorney  
122 South Main Cross Street  
Louisa, KY 41230  
(606) 638-4051  
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