

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
POWER COMPANY FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A 138 KV TRANSMISSION LINE)	CASE NO.
AND ASSOCIATED FACILITIES IN FLOYD AND)	2021-00346
KNOTT COUNTIES, KENTUCKY (GARRETT AREA)	
IMPROVEMENTS 138 KV TRANSMISSION)	
PROJECT))	

ORDER

On January 4, 2022, Intervenor, Mr. Volney Brent Allen, filed a letter addressed to the Commission's Executive Director which requested documentation and action by the Commission on a variety of topics. Mr. Allen filed his original request for intervention on November 16, 2021, along with two supplemental requests on November 19, 2021, and December 14, 2021. Kentucky Power Company (Kentucky Power) provided one response to the intervention on November 23, 2021. Mr. Allen's motion to intervene was granted by the Commission on December 7, 2021.

Commission regulation 807 KAR 5:001, Section 5(1) requires that all requests for relief that are not required to be made in an application, petition, or written request shall be made by motion, and that a motion shall state precisely the relief requested. The Commission will regard Mr. Allen's letter as a motion, although it is not styled as such.

In the current motion, Mr. Allen makes two requests of the Commission:

1. That the Commission release the names of “impartial witnesses” prior to making a ruling in this case,¹ and

2. That the Commission request the intervention of the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General) in this case.²

The other statements made in the motion pertain to Kentucky Power and its responses to Commission Staff’s Second Request for Information. The Commission will not address those statements but will respond to the two requests made of the Commission.

Regarding the request for the release of the names of “impartial witnesses,” the Commission finds that clarification on this issue is necessary. The Commission does not solicit witnesses for its proceedings. In any proceeding before the Commission, the Commission relies on the parties to supply the necessary witnesses. Kentucky Power has filed the verified written testimony of a number of witnesses. The procedural schedule issue by the Commission on November 17, 2021, permitted intervenors to file verified written testimony on or before January 3, 2022. Mr. Allen is the only intervenor in this proceeding and he has not filed verified written testimony.

Concerning intervention by the Attorney General, the Commission finds clarification is also needed on this issue. The Commission lacks authority to request intervention by the Attorney General on the motion of another party. The Attorney

¹ Motion at 1, Item 1.

² *Id.* at 2, Item 5.

General has a statutory right to intervene in any proceeding before the Commission.³ However intervention is not an obligation that can be enforced by the Commission. Currently, the Attorney General has not filed a request to intervene in this proceeding.

IT IS THEREFORE ORDERED that Mr. Allen's motion is denied.

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³ KRS 367.150(8).

By the Commission

ENTERED
JAN 11 2022 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00346

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