

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE )  
COMMISSION OF THE APPLICATION OF THE )  
FUEL ADJUSTMENT CLAUSE OF KENTUCKY ) CASE NO. 8590  
UTILITIES COMPANY FROM NOVEMBER 1, )  
1980, TO OCTOBER 31, 1982 )

ORDER

On May 19, 1983, the Public Service Commission ("Commission") ordered Kentucky Utilities Company ("K.U.") to file information related to its coal procurement contracts with River Processing, Inc., and South East Coal Company. K.U. filed an objection to the order on May 27, stating that the issues raised in the order are subject to litigation in Fayette Circuit Court, and that responding to the order may jeopardize its position in the case.

After reviewing K.U.'s objection and the response of the Attorney General's Consumer Protection Division, which supports K.U.'s position, it is the decision of the Commission that the order be held in abeyance. However, the Commission retains a very active interest in the company's coal procurement practices and in these contracts. The price of coal constitutes a very substantial portion of KU's cost of service, and hence of its rates to consumers. Therefore, this docket will not be closed. K.U. is directed to keep the Commission informed on this

proceeding, including providing copies of all pleadings, whether filed by K.U. or by any other party, in the Fayette Circuit court action, including, but not limited to, all discovery documents.

IT IS THEREFORE ORDERED that:

(1) The Commission's order of May 19, 1983, be held in abeyance pending the outcome of the Fayette Circuit Court action;

(2) K.U. shall furnish the Commission copies of all pleadings, whether filed by K.U. or by any other party, in the Fayette Circuit Court Action, including, but not limited to, all discovery documents; and


(3) The Commission's investigation into K.U.'s fuel costs and procurement practices shall remain open.

Done at Frankfort, Kentucky, this 23rd day of June, 1983.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Secretary