

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION AND REVIEW OF)
LOUISVILLE GAS AND ELECTRIC)
COMPANY'S CAPACITY EXPANSION) CASE NO. 9243
STUDY AND ITS PLANS RELATED TO)
TRIMBLE COUNTY UNIT NO. 1)

ORDER

On March 18, 1985, the Consumer Advocacy Group of Kentucky ("Consumer Intervenor") filed a motion for modification of the procedural schedule established by the Commission's Order entered February 7, 1985. Specifically the Consumer Intervenor requests that a third phase be established to this case subsequent to the hearings scheduled on April 10 and 11, 1985. While the exact nature and extent of the third phase would not be established until the April hearing, it should generally include the preparation of additional computer runs, further opportunity for discovery, a briefing schedule and possibly an additional hearing.

The instant motion cites both the Commission's Order entered February 7, 1985, wherein it was stated that such additional hearings might be required and the Commission's decision at the hearing on February 28, 1985, regarding the need to prepare additional computer runs subsequent to the April hearing. While the Commission fully appreciates the concerns expressed by the

Consumer Intervenor, the Commission remains of the opinion that it is premature to develop a procedural schedule for a third phase at this time. A formal conference will be convened after the April hearing to receive input from all parties regarding the specific computer runs to be provided, the time needed for their preparation and the need for additional discovery and hearing. The Commission hereby advises that every reasonable effort will be made to allow every party the opportunity to fully develop their respective positions and make their presentations to the Commission.

The Consumer Intervenor further requests a ruling on the motion of the Attorney General ("AG") to clarify and/or amend the Commission's Order of February 7, 1985. The AG and Louisville Gas and Electric Company presented oral argument on this motion at the hearing on March 1, 1985. The AG's fundamental concern is that the Commission's statement in its Order of February 7, 1985, that, "any party asserting additional deferral or cancellation of the Trimble County generating unit must affirmatively support the recommendation with a detailed analysis" could be interpreted to preclude a party from asserting a position without presenting supporting evidence. The Commission has always allowed a party to assert a position irrespective of whether evidence is presented in support thereof. The Commission's statement was included to remind all parties that the mere assertion of a position, without any supporting evidence, does not necessarily afford the Commission a sufficient basis to make a decision in favor of that position.

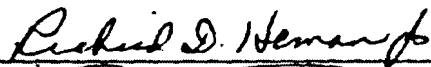
The Commission notes that the AG, as well as the Consumer Intervenor and the Kentucky Industrial Utility Consumers have asserted a position and filed supporting detailed analysis. Based on the AG's compliance with the Commission's Order of February 7, 1985, its motion to clarify and/or amend is moot.


IT IS THEREFORE ORDERED that the Consumer Intervenor's motion to modify the procedural schedule shall be and it hereby is deferred to the hearing scheduled on April 10 and 11, 1985.


IT IS FURTHER ORDERED that the AG's motion to clarify and/or amend shall be and it hereby is denied.

Done at Frankfort, Kentucky, this 8th day of April, 1985.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary