

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ADJUSTMENT OF RATES OF)
COLUMBIA GAS OF KENTUCKY, INC.) CASE NO. 10201

O R D E R

By petition filed September 8, 1989, Columbia Gas of Kentucky, Inc. ("Columbia") requests the Commission reconsider that portion of its August 23, 1989 final Order on rehearing that sets forth the appropriate level of nominated gas balances to be included in Columbia's rate base.

On November 10, 1988, Columbia petitioned for rehearing in this proceeding. Rehearing was granted on November 30, 1988, a hearing was held on February 23, 1989 and the parties filed briefs. The final order on rehearing, issued August 23, 1989, forms the basis for the request under consideration.

The issue raised by Columbia herein was initially raised and addressed by the Commission in the original hearing on this matter. Additionally, the issue was raised by Columbia on rehearing and addressed by the Commission in its rehearing Order of August 23, 1989. After reviewing the petition and the joint response filed by the Attorney General of Kentucky and the Lexington-Payette Urban County Government, the Commission is of the opinion and finds that the record in this case is sufficient to support the Commission's decision regarding the appropriate

level of nominated gas balances to be included in rate base and Columbia's request for limited reconsideration of this issue should be denied.

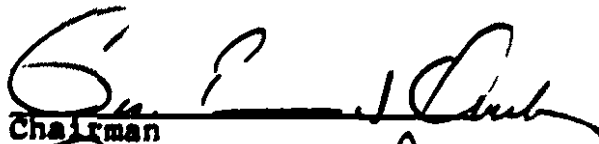
Furthermore, Columbia has cited no authority by which the Commission could undertake "rehearing on rehearing." KRS 278.410 provides that when rehearing has been granted, any party or utility affected by an Order of the Commission may, within 20 days after service of the Order, take an appeal to Franklin Circuit Court. Thus, Columbia's remedy in this proceeding lies with the courts.


The Commission has an additional concern that granting the requested reconsideration herein would seriously undermine the finality of Commission Orders and would encourage parties to crowd the Commission's dockets with endless requests to reconsider its actions.

IT IS THEREFORE ORDERED that Columbia's petition for limited reconsideration is denied.

Done at Frankfort, Kentucky, this 26th day of September, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director