

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF ELECTRIC RATES OF)
LOUISVILLE GAS AND ELECTRIC COMPANY TO) CASE NO. 10320
IMPLEMENT A 25 PERCENT DISALLOWANCE OF)
TRIMBLE COUNTY UNIT NO. 1)

O R D E R

On October 23, 1989, the Attorney General's Office, Utility and Rate Intervention Division ("AG") filed a document, entitled Notice of Preservation Of Rights, declaring that it "expressly reserves the right to raise all appropriate issues on appeal to Franklin Circuit Court once the Commission issues a final order on rehearing in Case No. 10320." The AG neither filed a petition for rehearing, pursuant to KRS 278.400, nor an appeal to circuit court, pursuant to KRS 278.410(1), within the statutorily mandated 20 day time period. Due to the AG's failure to timely exercise its statutory right to challenge the Commission's decision, the notice does not preserve any right otherwise available to the AG. Consequently, the AG's notice is a nullity.

IT IS THEREFORE ORDERED that the AG's notice preserves no right that the AG would not have had absent the notice.

Done at Frankfort, Kentucky this 10th day of November, 1989.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:

Executive Director