

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EQUITABLE GAS COMPANY, )  
A DIVISION OF EQUITABLE RESOURCES, INC. ) CASE NO. 92-326  
FOR AN ADJUSTMENT OF RATES )

O R D E R

On March 19, 1993, Equitable Gas Company ("Equitable") filed a motion to strike portions of the post-hearing brief of the Attorney General of the Commonwealth of Kentucky ("AG") which relate to meter reading expenses. Equitable argues that the AG's brief contains "information" which is not in the record and which was not subject to cross-examination by Equitable. Equitable argues in the alternative that the previously stricken testimony of its witness Mr. Francis should be allowed for rebuttal purposes.

On March 19, 1993, the AG responded requesting the Commission strike the motion since it was in effect a responsive brief not permitted under the Commission's oral directive to file simultaneous briefs. No provision was made for the filing of any other briefs.

On March 19, 1993, the AG also filed a motion to strike that portion of Equitable's brief which refutes or rebuts comments made by residential Intervenor Mr. Cleveland in closing arguments at the hearing, and, further, that the Commission order stricken from the brief all references to the previously stricken testimony of Mr. Francis.

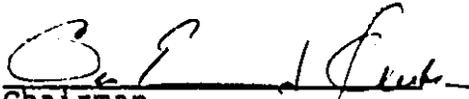
After consideration of the motions, the evidence of record, and being otherwise sufficiently advised, the Commission finds the motions to be without merit and denies same. Arguments of counsel contained in briefs represent counsels' characterization of the testimony and evidence of record before the Commission. Those arguments are not considered evidence in a Commission proceeding and thus there is no basis for granting the motions.

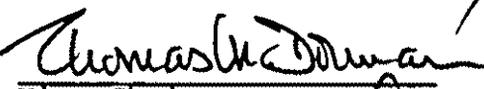
IT IS THEREFORE ORDERED that the motion to strike portions of the AG's brief or in the alternative to allow the stricken testimony of Larry E. Francis to be admitted as rebuttal be and it hereby is denied.

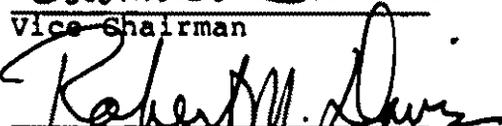
IT IS FURTHER ORDERED that the motion to strike portions of Equitable's brief be and it hereby is denied.

Done at Frankfort, Kentucky, this 1st day of April, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director