

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES COMPANY )  
TO AMORTIZE, BY MEANS OF TEMPORARY ) CASE NO.  
DECREASE IN RATES, NET FUEL COST SAVINGS ) 93-113  
RECOVERED IN COAL CONTRACT LITIGATION )

O R D E R

Kentucky Utilities Company ("KU") has moved for leave to file supplemental direct testimony of Michael D. Robinson and the supplemental and rebuttal testimony of Robert M. Hewett. The Attorney General and WinterCare Energy Fund, Inc. have responded to this motion.

Having considered the motion and the responses thereto, the Commission finds that KU should be granted leave to file the supplemental direct testimony of Michael D. Robinson and Robert M. Hewett but denied leave to file Hewett's rebuttal testimony.

Robinson's testimony concerns a significant issue in this proceeding - the federal tax implications of KU's proposed distribution. His testimony is precipitated by events which followed the establishment and subsequent amendment of the procedural schedule. Moreover, the filing of his testimony is consistent with the Commission's Order of August 6, 1993. For the same reasons, Hewett's supplemental testimony should be filed.

Hewett's rebuttal testimony, however, merely addresses the arguments of the Intervenors' witnesses. As the procedural schedule makes no provisions for rebuttal testimony and KU has

waited to this late date to request amendment of the procedural schedule, the Commission finds no compelling reason to permit the filing of such testimony.

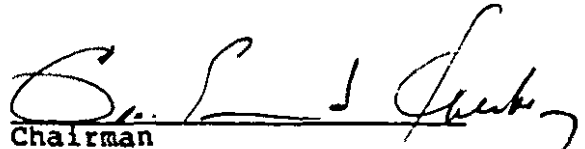
The Commission is well aware that the filing of Robinson's and Hewett's supplemental direct testimony may affect the Intervenor's ability to cross-examine KU's witnesses. The Commission will carefully consider any Intervenor motion for additional discovery or supplemental cross-examination.

IT IS THEREFORE ORDERED that:

1. KU's motion is granted in part and denied in part.
2. The supplemental direct testimony of Michael D. Robinson is accepted for filing.
3. KU shall file an amended version of Robert M. Hewett's testimony which contains only his supplemental direct testimony and excludes any rebuttal testimony.

Done at Frankfort, Kentucky, this 24th day of September, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

  
Commissioner