COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

On July 8, 1994, the Commission denied motions to recuse Chairman Overbey and Vice Chairman Davis which had been filed by the Attorney General, the Metro Human Needs Alliance, and Jefferson County ("Intervenors") and opposed by Louisville Gas & Electric Company ("LG&E"). The Commission also concluded that a pending motion relating to discovery filed by LG&E was moot.

On July 26, 1994, the Intervenors filed a motion for clarification or, in the alternative, a motion for immediate hearing. The motions do not directly challenge the decision on the recusal motion but argue that the Commission has by its July 8, 1994 Order ("Recusal Order") limited the scope of this proceeding.

On July 27, 1994, LG&E filed a motion seeking clarification of the Recusal Order to the effect that it did not preclude LG&E from renewing its motions relating to discovery at a later time.

On the same day, the Kentucky Industrial Utility Customers ("KIUC") filed a motion for rehearing. In its motion, KIUC reiterated that it had not sought recusal but asserted that the Recusal Order itself decided issues other than the recusal motion

then before the Commission. On July 29, 1994, the City of Louisville sought leave to join KIUC's motion.

The motions of the parties will be denied. The Intervenors challenged the ability of sitting members of the Commission to hear this case. In ruling on their motion, the Commission reviewed the history of this case to show that its prior statements in appellate proceedings, which were specifically challenged by Intervenors, were consistent with prior decisions of the Commission which are binding because they have not been overturned. The Intervenors brought the motion and the Commission ruled upon it. Neither action, nor the Commission's recitation of the history of this case, did or could in any way change the legally binding status of the various cases cited in the Recusal Order.

LG&E's motion seeks clarification that it will be allowed to bring further motions in the future. Nothing in the Recusal Order precluded any party from bringing further discovery motions at such time as the issue of recusal has been finally decided.

Because the issue of recusal goes to its ability to fulfil its statutory duties in this case, the Commission designated the Recusal Order as final and appealable. For the same reasons, this Order will be similarly designated. At such time as the statutory time for appeal has passed or appellate proceedings relating to this issue have been concluded, the Commission will entertain such motions relating to discovery or scheduling as the parties may wish to file.

IT IS THEREFORE ORDERED that the motions of the parties for rehearing, clarification, and immediate hearing are denied. There is no just cause for delay and this Order is final and appealable.

Done at Frankfort, Kentucky, this 16th day of August, 1994.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Executive Director