

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION BY THE PUBLIC SERVICE)
COMMISSION OF THE APPLICATION OF THE)
FUEL ADJUSTMENT CLAUSE OF KENTUCKY) CASE NO. 94-461-A
UTILITIES COMPANY FROM NOVEMBER 1,)
1994 TO APRIL 30, 1995)

O R D E R

Kentucky Utilities Company ("KU") has moved to strike the brief of Kentucky Industrial Utility Customers ("KIUC"). KIUC opposes the motion. Having considered the motion and response thereto and being otherwise sufficiently advised, the Commission finds that:

1. The issue of the recovery of fuel costs related to line losses, which KIUC raises at pages 9 and 13 of its brief, was not identified as a briefing issue in the Commission's Order of August 15, 1996 nor was the issue raised previously in this proceeding.

2. The issue of "arbitrage transactions," which KIUC raises at pages 9 and 10 of its brief, was not identified as a briefing issue in the Commission's Order of August 15, 1996 nor was the issue raised previously in this proceeding.

3. The issues of "fixed power plant maintenance costs" and "transmission line maintenance costs," which KIUC addresses in its brief, are reasonably related to the issue which the Commission identified in its Order of August 15, 1996.

IT IS THEREFORE ORDERED that:

1. KU's motion to strike those portions of KIUC's brief that address issues of the recovery of fuel costs related to line losses and "arbitrage transactions" is granted.
2. KU's motion to strike the remaining portions of KIUC's brief is denied.
3. Those portions of KIUC's brief that address issues of the recovery of fuel costs related to line losses and "arbitrage transactions" are stricken.
4. Within 15 days of this Order, KIUC shall file with the Commission a revised brief which excludes the stricken portions.
5. Within 20 days of the date in which KIUC files its revised brief, each party may submit a reply brief. These briefs shall be limited to the issues raised in the opposing party's initial brief.

Done at Frankfort, Kentucky, this 3rd day of March, 1997.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director