

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF BIG RIVERS)
ELECTRIC CORPORATION, LOUISVILLE)
GAS AND ELECTRIC COMPANY, WESTERN)
KENTUCKY ENERGY CORPORATION,)
WESTERN KENTUCKY LEASING) CASE NO. 97-204
CORPORATION, AND LG&E STATION TWO)
INC. FOR APPROVAL OF WHOLESALE)
RATE ADJUSTMENT FOR BIG RIVERS)
ELECTRIC CORPORATION AND FOR)
APPROVAL OF TRANSACTION)

O R D E R

At an informal conference held on February 9, 1998, to discuss the proposed resolution of the unforeseen cost issue, the parties discussed a procedural schedule which was subsequently set forth in an Order dated February 17, 1998. That Order established February 23, 1998 as the final date for filing all outstanding documents including those addressing the unforeseen cost issue.

On February 23, 1998, Louisville Gas and Electric Company ("LG&E"), one of the joint applicants, filed various documents under a cover letter advising that additional documents are to be filed but they are not yet completed. By letter dated February 24, 1998, LG&E suggested that with respect to the late-filed documents, the time to request information should be extended to not prejudice the non-filing parties, with all responses due on March 6, 1998 as originally ordered.

On February 25, 1998, the Attorney General's Office ("AG") filed an objection to LG&E's efforts to unilaterally revise the procedural schedule to permit the filing of

documents subsequent to February 23, 1998. The AG's objection notes the relative significance of the particular documents that have not yet been filed, as well as the fast approaching statutory deadline for adjudicating this case.

Based on the AG's motion and being otherwise sufficiently advised, the Commission finds that it is critical for the AG and all other parties, as well as the Commission and its staff, to have sufficient time to review and investigate all documents filed in this case. To ensure the availability of adequate time, the procedural schedule established February 23, 1998 as the last day to file new documents.

In recognition of the substantial efforts to complete the outstanding documents, and the willingness of the filing parties to reduce their time to respond to data requests, the Commission finds good cause to extend the last date for filing new documents to February 27, 1998. Any documents not filed with the Commission by 4:30 p.m., Eastern Standard Time, on February 27, 1998, with delivery to all parties on that date, will not be considered in this case.

The Commission also notes that all the documents filed on February 23, 1998 are characterized in the cover letter as being covered by a previous grant of confidentiality. However, a cursory review of the documents indicates that a majority of them were not previously deemed confidential. In addition, some information previously deemed confidential has been placed in the public domain by the filing parties and no redacted copies of the documents have been filed. Thus, any request for confidential treatment of the documents filed on February 23, 1998 through February 27, 1998 must be supported by a petition in compliance with 807 KAR 5:001, Section 7.

IT IS THEREFORE ORDERED that:

1. The February 17, 1998 Supplemental Procedural Schedule is modified to the limited extent that the last date to file new documents is February 27, 1998, and the date for requesting data relating to any document filed on February 24, 1998 through February 27, 1998 shall be seven days subsequent to the filing date.

2. Any request for confidential protection of the documents filed on February 23, 1998 through February 27, 1998 shall be supported by a petition pursuant to 807 KAR 5:001, Section 7, filed no later than March 4, 1998.

Done at Frankfort, Kentucky, this 26th day of February, 1998.

PUBLIC SERVICE COMMISSION



For the Commission

ATTEST:



Executive Director