

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF CUMBERLAND VALLEY)
ENERGY, INC. FOR A DEVIATION FROM) CASE NO. 99-139
807 KAR 5:001, SECTION 9(2)(e-f))

O R D E R

Cumberland Valley Energy, Inc. ("Cumberland Energy") has filed a petition with the Commission seeking a deviation from 807 KAR 5:001, Section 9(2)(e-f).

Cumberland Energy requested a deviation from the regulations requiring it to file:

(e) The manner in detail in which it proposes to finance the new construction, and

(f) An estimated cost of operation after the proposed facilities are completed.

In special cases, for good reasons stated in the petition, the Commission may permit deviations from these rules. 807 KAR 5:001, Section 14. Here, the reasons for the deviation are that the funding and estimated cost of the operation "ha[ve] not been determined at this time."

The Commission finds that Cumberland Energy has not stated sufficient reason to grant the deviation and that the request for deviation should be denied.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that Cumberland Energy's request for a deviation from 807 KAR 5:001, Section 9(2)(e-f) is denied.

Done at Frankfort, Kentucky, this 28th day of April, 1999.

By the Commission

ATTEST:

Executive Director