

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE JOINT APPLICATION OF KENTUCKY POWER)
COMPANY, AMERICAN ELECTRIC POWER COMPANY,) CASE NO. 99-149
INC. AND CENTRAL AND SOUTH WEST CORPORATION)
REGARDING A PROPOSED MERGER)

O R D E R

On May 14, 1999, the Kentucky Association of Plumbing-Heating-Cooling Contractors, Inc. and the Kentucky Propane Gas Association (collectively referred to as Contractors) filed a motion requesting full intervention on behalf of their respective members. The motion states that the Contractors are encountering unfair competition from certain utilities of a sort which has been of concern to the Commission in Administrative Case No. 369,¹ and they have a vital interest in the affiliate guidelines adopted by the Indiana Utility Regulatory Commission as part of its approval of the transaction under review in this case.

On May 18, 1999, Kentucky Power Company, American Electric Power Company, Inc., and Central and South West Corporation (Joint Applicants) filed a response in opposition to the Contractors motion for intervention. The Joint Applicants note that there has been no allegation that they have engaged in any activities in Kentucky in competition with the Contractors, and the Joint Applicants affirmatively state that they are not engaged in any such competitive activities. The Joint Applicants further state that since the issue of appropriate guidelines for affiliate transactions is

¹ Administrative Case No. 369, An Investigation of the Need for Affiliate Transaction Rules and Cost Allocation Requirements for All Jurisdictional Utilities.

already under review by the Commission in Administrative Case No. 369, the issue is more appropriately addressed in that proceeding.

Based on the motion and the response, and being otherwise sufficiently advised, the Commission finds that the Contractors have not demonstrated a special interest sufficient to warrant intervention in this case. The Contractors do not allege, and the Joint Applicants specifically deny, that the Joint Applicants are engaged in any competitive activities in Kentucky. In addition, the interest of the Contractors is expressly limited to guidelines for affiliate transactions, an issue which is already under investigation by the Commission in Administrative Case No. 369, a docket which includes all affected utilities, the Contractors, and other interested parties. Thus, Administrative Case No. 369 is the more appropriate docket for investigating affiliate transaction guidelines.

IT IS THEREFORE ORDERED that the Contractors motion to intervene is denied.

Done at Frankfort, Kentucky, this 20th day of May, 1999.

By the Commission

ATTEST:

Executive Director