

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF EAST KENTUCKY)	
POWER COOPERATIVE, INC.'S NEED)	
FOR THE GILBERT UNIT AND THE)	CASE NO. 2003-00030
KENTUCKY PIONEER ENERGY, LLC)	
PURCHASE POWER AGREEMENT)	
THE APPLICATION OF EAST KENTUCKY)	
POWER COOPERATIVE, INC. FOR)	CASE NO. 2000-00079
APPROVAL TO PURCHASE POWER)	
AGREEMENT)	

COMMISSION STAFF S FIRST DATA REQUEST
TO THE KENTUCKY ATTORNEY GENERAL

Pursuant to 807 KAR 5:001, Commission Staff requests that the Kentucky Attorney General (AG) file the original and 5 copies of the following information with the Commission on or before September 2, 2003, with a copy to all parties of record. Each copy of the information requested should be placed in a bound volume with each item tabbed. When a number of sheets are required for an item, each sheet should be appropriately indexed, for example, Item 1(a), Sheet 2 of 6. Include with each response the name of the witness who will be responsible for responding to questions relating to the information provided. Careful attention should be given to copied material to ensure its legibility. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

1. Refer to the testimony of David H. Brown-Kinloch at page 9, lines 17-19, where he concludes that, the Commission's approval was for a contract that has since been rendered unusable, and thus is now invalid, due to the failure of KPE to meet the deadlines in the contract. Is Mr. Brown-Kinloch aware of any information that indicates that Kentucky Pioneer Energy, LLC (Kentucky Pioneer) agrees with his conclusion?

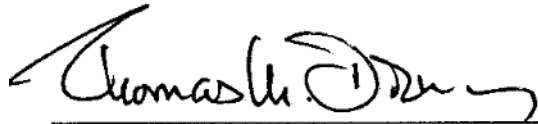
a. If yes, provide references to all such information.

b. If no, explain in detail why the Commission should not modify its July 11, 2000 Order in Case No. 2000-00079, which approved the Kentucky Pioneer purchase power contract based on a finding that East Kentucky Power Cooperative, Inc. (East Kentucky) needs additional capacity to serve its forecasted loads.

2. Refer to the testimony of Mr. Brown-Kinloch at page 9, line 8, where he concludes that, withdrawal of the Commission's approval is not necessary. Does Mr. Brown-Kinloch agree that Kentucky Pioneer and East Kentucky could decide to continue in effect their existing purchase power agreement simply by executing an amendment to change the commercial operation date of the project?

a. If yes, does Mr. Brown-Kinloch agree that there is no existing requirement under the terms of the Commission's July 11, 2000 Order in Case No. 2000-00079 that specifically requires East Kentucky to obtain Commission approval of an amendment that revises the commercial operation date of the project?

b. If no, explain in detail why the existing purchase power agreement could not continue to be effective by an amendment revising the commercial operation date of the project.



Thomas M. Dorman
Executive Director
Public Service Commission
P. O. Box 615
Frankfort, Kentucky 40602

DATED: August 21, 2003

cc: Parties of Record

Case No. 2003-00030
Case No. 2000-00079