

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF CTA ACOUSTICS, INC.)
TO RETAIN KENTUCKY UTILITIES) CASE NO. 2003-00226
COMPANY AS POWER SUPPLIER AND)
FOR EXPEDITED TREATMENT)

O R D E R

On June 26, 2003, East Kentucky Power Cooperative, Inc. (East Kentucky) filed a motion requesting full intervention in this case. The motion states that East Kentucky is a generating and transmission cooperative which provides all of the electric power and energy requirements of Cumberland Valley Electric, Inc. (Cumberland Valley), that East Kentucky must approve the retail service agreements between Cumberland Valley and retail customers such as CTA Acoustics, Inc., and that East Kentucky has been involved in discussions with both parties regarding the rates and terms of service. Further, East Kentucky asserts that the certified service territory of Cumberland Valley is of critical importance to the strength of East Kentucky's system and that East Kentucky is committed to supporting its member distribution systems regarding challenges to their certified territories.

On June 30, 2003, Kentucky Utilities Company (KU) filed a motion objecting to East Kentucky's intervention on the grounds that, while East Kentucky may have a financial interest in the outcome of this case, it has no certified service territory. KU cites as support for rejecting intervention a decision of the Kentucky Court of Appeals,

then our highest court, in Inter-County Rural Electric Cooperative Corporation v. Public Service Commission, Ky., 407 S.W.2d 127 (1966). In that case, the court affirmed the Commission's denial of intervention to East Kentucky in a boundary dispute case involving another of East Kentucky's distribution cooperatives, Inter-County Rural Electric Cooperative Corporation (Inter-County RECC). The court stated that the boundary dispute in that case was between Inter-County RECC and KU, and that any interest of East Kentucky was just too remote to justify intervention.

Based on the motion and the objection, and being otherwise sufficiently advised, the Commission finds that East Kentucky's interest here, as in the cited opinion of Inter-County, is just too remote to qualify as a special interest sufficient to grant intervention. However, as the wholesale supplier to Cumberland Valley, East Kentucky is certainly entitled to provide legal and technical assistance to Cumberland Valley and assist during all phases of this proceeding, but not as a separate party.

IT IS THEREFORE ORDERED that East Kentucky's motion to intervene is denied.

Done at Frankfort, Kentucky, this 18th day of July, 2003.

By the Commission

ATTEST:


Executive Director