

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 July 25, 2003, Cumberland Valley Electric, Inc. (Cumberland Valley) filed a motion requesting the Commission to clarify its Interim Order dated July 21, 2003, and to modify the procedural schedule appended thereto. Cumberland Valley seeks clarification that Kentucky Utilities Company s (KU) authorization to extend its facilities to provide interim electric service is without prejudice to Cumberland Valley on the issue of which retail electric supplier shall provide permanent service. Cumberland Valley notes that KU agreed to this position in a statement filed on July 1, 2003.

Further, Cumberland Valley seeks to modify the procedural schedule to require KU to file its direct testimony simultaneously with CTA Acoustics, Inc. (CTA Acoustics) on August 5, 2003, rather than simultaneously with Cumberland Valley on September 5, 2003. In support of its request, Cumberland Valley states that KU s interest is aligned with CTA Acoustics and that KU has a pecuniary interest in the relief requested by CTA Acoustics.

KU filed a response objecting to Cumberland Valley s request to modify the procedural schedule. KU states that it is a respondent in this case, not a complainant, and it does not bear the burden of proof as does CTA Acoustics.

Based on the motion and being otherwise sufficiently advised, the Commission finds the request for clarification to be reasonable. The July 21, 2003 Interim Order was not intended to impact the adjudication of CTA Acoustics complaint on the merits after providing for discovery and a hearing.

The Commission further finds that KU is a respondent in this case, not a complainant. The existing procedural schedule provides an opportunity for all parties to conduct discovery of KU after its testimony is filed, and thereafter to file rebuttal testimony. The Commission is not persuaded to require KU to file testimony simultaneously with CTA Acoustics.

IT IS THEREFORE ORDERED that:

1. KU's authorization to provide interim electric service to CTA Acoustics is without prejudice to Cumberland Valley on the issue of which retail electric supplier should be authorized to provide permanent service.
2. Cumberland Valley's request to modify the procedural schedule to require KU to file its testimony simultaneously with CTA Acoustics is denied.

Done at Frankfort, Kentucky, this 31st day of July, 2003.

By the Commission

ATTEST:

Wm. H. I. Barker

Deputy Executive Director

Case No. 2003-00226