

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF LOUISVILLE )  
GAS AND ELECTRIC COMPANY AND )  
KENTUCKY UTILITIES COMPANY )  
FOR A CERTIFICATE OF PUBLIC ) CASE NO. 2004-00507  
CONVENIENCE AND NECESSITY, AND )  
A SITE COMPATIBILITY CERTIFICATE, )  
FOR THE EXPANSION OF THE TRIMBLE )  
COUNTY GENERATING STATION )

O R D E R

On December 17, 2004, Louisville Gas and Electric Company and Kentucky Utilities Company ("Applicants") filed a joint application for approval to construct a 750 MW super-critical pulverized coal-fired generating unit at their Trimble County Generating Station. On January 27, 2005, the Commission issued a procedural schedule in the case setting, among other things, the discovery schedule.

On February 21, 2005, the International Brotherhood of Electrical Workers, Local 2100, and the Greater Louisville Building and Construction Trades Council ("Movants") moved for full intervenor status in this case. Recognizing that the February 10, 2005 date for filing of initial data requests has passed, Movants further requested leave to serve data requests on Applicants no later than 7 days from the date on which their motion to intervene is granted. Finally, Movants gave notice that they intend "to seek the Commission's Order that any construction contract secure the construction and related work to the economic benefit of the local area."

On February 24, 2005, Applicants filed a response to the motion. Applicants do not oppose Movants' interventions, but they do object to the modification of the discovery schedule and Movants' plans to address labor force issues. On March 2, 2005, Movants replied to Applicants' response, focusing on the labor force issues.

Because the motion to intervene is unopposed, and because the Commission finds that the intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter, each Movant is granted full intervenor status. Such motions, however, are generally granted with the condition that the intervenors abide by the existing procedural schedule. The Commission finds no reason to deviate from that rule. If adherence to the schedule would foreclose discovery by Movants, we might be otherwise persuaded; but Movants may serve data requests on Applicants on March 17, 2005 under the existing schedule. The Commission finds that Movants' request to modify the existing procedural schedule by adding an additional discovery opportunity should be denied.

Finally, the Commission points out that this case is an application for a Certificate of Public Convenience and Necessity under KRS 278.020 and an application for a Site Compatibility Certificate under KRS 278.216. Neither of those sections raises rate case issues such as cost of labor. The Commission shares Movants' concern for local investment and the Commonwealth's business and employment wellbeing. This case, however, is not the correct forum to raise those issues. In their March 2, 2005 reply, Movants claim the issues will be moot by the time Applicants file a rate case. The Commission believes, however, that Movants can get a fair hearing on their issues then.

The Commission therefore finds that Movants should limit the issues they address in this case to those issues properly before the Commission.

IT IS THEREFORE ORDERED that:

1. Movants are granted full intervenor status in this case, subject to the limitation of issues discussed in this Order.

2. Each Movant shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by the parties after the date of this Order.

3. Should any intervenor file documents of any kind with the Commission in the course of these proceedings, a copy of said documents shall also be served upon all other parties of record.

4. Movants' request to modify the procedural schedule is denied.

Done at Frankfort, Kentucky, this 4<sup>th</sup> day of March, 2005.

By the Commission

ATTEST:

  
Executive Director