

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

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 December 17, 2004. On February 21, 2005, the International Brotherhood of Electrical Workers, Local 2100 and the Greater Louisville Building and Construction Trades Council (“Intervenors”) moved for full intervention in this case. As part of that filing, Intervenors gave notice that they intended “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 March 4, 2005, in granting the motion to intervene, the Commission pointed out that:

[T]his case is an application for a Certificate of 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 [Intervenors'] concern for local investment and the Commonwealth's business and employment wellbeing. This case, however, does not appear to be the correct forum to raise those issues. *** The Commission therefore finds that [Intervenors] must limit the issues they address in this case to those properly before the Commission.

On April 8, 2005, Intervenors filed a motion to reconsider that March 4, 2005 Order and a related motion to compel responses to certain discovery questions. On April 13, 2005, the Attorney General filed in support of Intervenors' motions. On April 14, 2005, the Applicants filed in opposition to Intervenors' motions.

Motions to reconsider Commission rulings are governed by KRS 278.400. The first part of that statute reads: "After a determination has been made by the commission in any hearing, any party to the proceedings may, within twenty (20) days after the service of the order, apply for a hearing with respect to any of the matters determined. Service of a commission order is complete three (3) days after the date the order is mailed." Hence, Intervenors' motion to reconsider is not timely.

The Commission finds that the motion to reconsider should be denied. The accompanying motion to compel is dependent upon the Commission granting the motion to reconsider. The Commission will therefore not address the merits of the motion to compel and finds that it should also be denied.

IT IS THEREFORE ORDERED that Intervenors' motion to reconsider and motion to compel filed on April 8, 2005 are denied.

Done at Frankfort, Kentucky, this 19th day of April, 2005.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director

Case No. 2004-00507