

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 April 22, 2005, the International Brotherhood of Electrical Workers, Local 2100 and the Greater Louisville Building and Construction Trades Council (“Intervenors”) prefiled the testimony of Larry Roberts. On April 29, 2005, Applicants moved to strike that testimony. On May 6, 2005, Applicants propounded data requests to Intervenors relating to the Roberts testimony. On May 10, 2005, Intervenors filed Case No. 05-CI-650 in Franklin Circuit Court challenging a Commission Order relating to the issues relevant to the present case. On May 12, 2005, the Commission denied Applicants’ motion to strike. On May 13, 2005, Intervenors filed a motion to extend the May 20, 2005 deadline for responding to the May 6, 2005 data requests; the copy of that May 13, 2005 motion has a May 12, 2005 Certificate of Process date, meaning the motion to extend the deadline was mailed the same day that the Commission denied the motion to strike.

The primary reason Intervenors give for the May 13, 2005 motion to enlarge the discovery response time is “the considerable uncertainty about whether Roberts’ expert testimony will be permitted.” They request that the responses be due 10 days after the Commission’s Order.¹

Apparently, the Commission’s Order denying the motion to strike the Roberts testimony and Intervenors’ motion to extend the data request response deadline “passed in the mail.” Intervenors requested that the responses be due 10 days following the Commission’s Order, which would extend the response date from Friday, May 20, 2005 to the following Monday, May 23, 2005. The Commission is informed that Applicants do not oppose the motion. The Commission thus finds that the extension should be granted.

IT IS THEREFORE ORDERED that Intervenors’ motion for an extension of time is granted. The data requests, previously due on May 20, 2005, are now due on May 23, 2005.

Done at Frankfort, Kentucky, this 18th day of May, 2005.

By the Commission

ATTEST:


Executive Director

¹ Intervenors actually asked that the response time be set at 10 days after Order of either the Commission or the Franklin Circuit Court, but because the Commission acted sooner, the response time should date from the May 12, 2005 Commission Order.