

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CUMBERLAND VALLEY ELECTRIC, INC.	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO.
	)	2006-00148
	)	
KENTUCKY UTILITIES COMPANY	)	
	)	
DEFENDANT	)	

O R D E R

Kentucky Utilities Company (“KU”) has moved the Commission to reschedule the hearing that is currently set in this matter for February 27, 2007. In support of its motion, KU states that its primary witness is scheduled to be out of the country from February 19 to March 2, 2007, and that its counsel will be out of town from March 5 to March 8, 2007. It further states that its counsel and witness will need adequate time thereafter to prepare for the hearing. It requests that the hearing be rescheduled to a date on or after March 20, 2007. On January 30, 2007, Cumberland Valley Electric, Inc. (“Cumberland Valley”) filed a response stating that it had no objection to rescheduling the hearing, but requested that the hearing be held on or before February 19, 2007 or, in the alternative, that the matter be submitted on written briefs and that the Commission set a briefing schedule.

KU filed a reply on February 1, 2007 stating that it thought an evidentiary hearing would be helpful to the Commission in rendering its decision in this matter and objecting

to Cumberland Valley's request to move the hearing to an earlier date in February on the grounds that it would not have adequate time to properly prepare for an earlier hearing. KU also requests that it be permitted the opportunity to file sur-rebuttal testimony to correct misleading information in the record. Cumberland Valley objects to KU's request to file sur-rebuttal testimony arguing that KU has had adequate opportunity to file rebuttal testimony. It argues that KU's direct testimony filed on October 6, 2007 contained substantial rebuttal testimony and that it filed additional rebuttal testimony on January 3, 2007. Black Mountain Resources, LLC and Stillhouse Mining LLC, the intervenors in this proceeding, jointly filed a reply on February 8, 2007 stating that they believed an evidentiary hearing would be helpful and that sur-rebuttal testimony should be permitted.

Having considered the motion, responses, and replies, the Commission finds that the hearing presently scheduled for February 27, 2007 should be rescheduled and that all parties should be entitled to file sur-rebuttal testimony.

IT IS THEREFORE ORDERED that:

1. The hearing scheduled for February 27, 2007 is rescheduled to March 14, 2007 at 10:30 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky for the purpose of cross-examination of witnesses.

2. Any party wishing to file sur-rebuttal testimony shall do so in verified prepared form no later than March 9, 2007.

Done at Frankfort, Kentucky, this 16<sup>th</sup> day of February, 2007.

By the Commission

ATTEST:

  
Executive Director