

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY POWER	)	
COOPERATIVE, INC. FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY FOR THE	)	CASE NO.
CONSTRUCTION OF MODIFICATIONS TO THE	)	2007-00168
WATER INTAKE SYSTEM AT COOPER POWER	)	
STATION IN PULASKI COUNTY, KENTUCKY	)	

ORDER

East Kentucky Power Company (“EKPC”) has applied to the Commission for authority to modify its water intake system at its Cooper Generating Facility (“Cooper Station”) in Pulaski County, Kentucky. The proposed modifications are required to address current operational risks to Cooper Station as a result of the lowered level of Lake Cumberland and to be prepared in the event the Army Corps of Engineers reduces the level of Lake Cumberland below the Cooper Station’s current plant water intake level.

In its filing, EKPC fails to satisfy the filing requirement of Administrative Regulation 807 KAR 5:001, Section 9(2)(b), which requires copies of permits from the proper public authorities for the proposed new construction or extension to be filed with the application, if not previously filed with the Commission.

EKPC states that the proposed facilities must be constructed, on an emergency basis, to address the risks associated with additional lowering of the level of Lake Cumberland in conjunction with on-going repairs to Wolf Creek Dam. EKPC requests that its application be processed as expeditiously as possible. On its own motion, the

Commission will grant EKPC a deviation from the filing requirement that will allow the application process to go forward and not be delayed while it awaits permits from the proper authorities or files those permits that have already been obtained. Any permits that are not filed with this application should be filed with the Commission as soon as they are received.

Administrative Regulation 807 KAR 5:001, Section 14, provides the Commission with the authority to permit deviations from its regulations for good cause shown. Having reviewed the filing and being otherwise sufficiently advised, the Commission finds that good cause exists to grant EKPC a deviation from the filing requirement of Administrative Regulation 807 KAR 5:001, Section 9(2)(b).

IT IS THEREFORE ORDERED that:

1. EKPC will be allowed to deviate from the filing requirement of Administrative Regulation 807 KAR 5:001, Section 9(2)(b).
2. EKPC's application is deemed administratively complete and its filed date is April 27, 2007.
3. EKPC shall file with the Commission, within 10 days of receipt from the proper authority, copies of all permits that are not included with this filing.

Done at Frankfort, Kentucky, this 9<sup>th</sup> day of May, 2007.

By the Commission

ATTEST:



Executive Director