

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ANNUAL COST RECOVERY FILING )  
FOR DEMAND SIDE MANAGEMENT BY ) CASE NO. 2007-00369  
DUKE ENERGY KENTUCKY, INC. )

O R D E R

Northern Kentucky Community Action Commission (“NKCAC”) has moved the Commission to amend the current procedural schedule to permit the filing of reply comments. NKCAC also filed its reply comments contemporaneous with filing the motion. NKCAC asserts that it is a party to these proceedings because it is included in the certificate of service statements accompanying the various pleadings filed in this matter. NKCAC states that the current procedural schedule established a deadline for filing comments regarding the application of Duke Energy Kentucky, Inc. (“Duke”). However, NKCAC points out that the current procedural schedule does not provide an opportunity for a party to respond to the Attorney General’s (“AG”) comments.

Duke previously filed a similar motion seeking amendment of the current procedural schedule to allow it to file a response to the AG’s comments. Duke also filed its reply comments in conjunction with the filing of its motion to amend. The Commission granted Duke’s motion and accepted Duke’s reply comments as part of the official record of this case.

Unlike Duke, NKCAC is not a party to this proceeding. Although NKCAC is a member of Duke’s Residential Collaborative, and identified as such in Duke’s

application, NKCAC's status cannot be classified as a party to this action. The application clearly designates Duke as the applicant, and the case style indicates that the only party initiating this matter is Duke. The application itself is filed under the signature of Duke's associate general counsel. NKCAC has not filed for intervention in this case. The fact that the service list includes NKCAC does not automatically make NKCAC a party to this action.

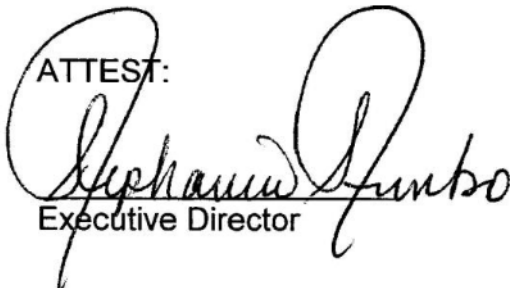
The Commission therefore finds that NKCAC's request to amend the current procedural schedule should be denied. Because the Commission has historically accepted comments from the general public who are not parties to a proceeding, the Commission will accept NKCAC's reply comments on such basis. Additionally, NKCAC may file a motion to intervene in this proceeding if it wishes to do so.

IT IS THEREFORE ORDERED that:

1. NKCAC's motion to amend the procedural schedule is denied.
2. NKCAC's reply comments, as filed, shall be made a part of the record of this case.
3. If NKCAC wishes to participate in this matter, it shall file, within 7 days from the date of this Order, a motion to intervene.

Done at Frankfort, Kentucky, this 16<sup>th</sup> day of April, 2008.

By the Commission

ATTEST:  
  
Executive Director