

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF THE)
ENERGY AND REGULATORY) ADMINISTRATIVE
ISSUES IN SECTION 50 OF) CASE NO. 2007-00477
KENTUCKY'S 2007 ENERGY ACT)

ORDER

Notice is hereby given that Justin Clark, the husband of Commissioner Caroline Pitt Clark, is an associate with the law firm of Stoll Keenon Ogden, PLLC ("Firm"). The Firm is counsel of record for E.ON U.S., LLC, Western Kentucky Energy Corp., and LG&E Energy Marketing Inc. in this proceeding. Commissioner Clark requested an advisory opinion from the Executive Branch Ethics Commission to determine whether this relationship created a conflict of interest. In Advisory Opinion 07-35, issued on December 14, 2007, the Kentucky Executive Branch Ethics Commission determined that, "the potential for conflict that exists is far removed and is not substantial."¹ As an added precaution, however, Commissioner Clark is considering the provisions of KRS 11A.030 in cases, such as this, involving the Firm to determine whether her participation is appropriate. Within 10 days from the date of entry of this Order, any party of record may file any comments or motion relating to Commissioner Clark's participation in this proceeding. Failure to timely file any comments or motion may subsequently be deemed to constitute a waiver of any objection to Commissioner Clark's participation.

¹ Executive Branch Ethics Commission, Advisory Opinion 07-35, p. 4 (Dec. 14, 2007) (found at <http://www.state.ky.us/agencies/ethics/07-35.doc>).

IT IS THEREFORE ORDERED that any comments or motion regarding Commissioner Clark's participation in this proceeding shall be filed within 10 days from the date of this Order.

Done at Frankfort, Kentucky, this 25th day of February, 2008.

By the Commission

ATTEST:



Executive Director