

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF DELTA NATURAL GAS)
COMPANY, INC. FOR APPROVAL OF A)
CUSTOMER CONSERVATION / EFFICIENCY) CASE NO.
PROGRAM AND DEMAND SIDE MANAGEMENT) 2008-00062
COST RECOVERY MECHANISM)

ORDER

The Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), pursuant to KRS 367.150(8), has moved for full intervention in this proceeding.

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 the applicant in this proceeding, Delta Natural Gas Company, Inc. 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

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>).

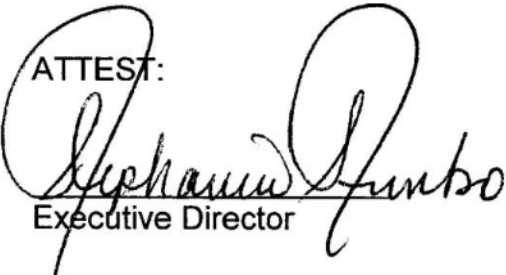
this, involving the Firm to determine whether her participation is appropriate. Within 10 days from the date of entry of this Order, any party of record may file any comments or motion relating to Commissioner Clark's participation in this proceeding. Failure to timely file any comments or motion may subsequently be deemed to constitute a waiver of any objection to Commissioner Clark's participation.

Finding that the Attorney General's intervention is authorized by statute and further finding that a procedural schedule was established in this proceeding by Order dated March 31, 2008, the Commission HEREBY ORDERS that:

1. The Attorney General's motion is granted and he shall accept the existing procedural schedule.
2. 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 12th day of May, 2008.

By the Commission

ATTEST:

Executive Director