

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MOTION OF KENTUCKY POWER COMPANY	)	
FOR WAIVER OF A PORTION OF THE	)	CASE NO.
COMMISSION'S JUNE 14, 1999 ORDER	)	2012-00475
APPROVING THE MAY 24, 1999 STIPULATION	)	
AND SETTLEMENT AGREEMENT	)	

ORDER

On October 22, 2012, Kentucky Power Company ("Kentucky Power") filed a motion requesting a waiver of the requirement in the Commission's May 14, 1999 Order in Case No. 1999-00149<sup>1</sup> that a copy of any affiliate contract to be filed with the Securities and Exchange Commission ("SEC") or the Federal Energy Regulatory Commission ("FERC") be submitted to the Commission 30 days in advance of the filing. In support of its request, Kentucky Power states that certain filings are to be made with FERC for approval of: (1) An agreement for the transfer of an undivided interest in the Mitchell Generating Station to Kentucky Power; and (2) A new affiliate agreement, known as the Power Coordination Agreement, to replace the existing American Electric Power Interconnection Agreement ("Pool Agreement") that terminates on December 31, 2013. Due to the need to have the new agreements approved by FERC prior to the December 31, 2013 termination date of the Pool Agreement, Kentucky Power

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<sup>1</sup> Case No. 1999-00149, *In the Matter of the Joint Application of Kentucky Power Company, American Electric Power Company, Inc. and Central and South West Corporation Regarding a Proposed Merger* (Ky. PSC Jun. 14, 1999).

requests authority to file the affiliate agreements with the Commission at the same time as they are filed at FERC, rather than 30 days in advance.

Based on the motion and being otherwise sufficiently advised, the Commission finds that the requirement to submit new affiliate agreements to the Commission 30 days in advance of filing with the SEC or FERC was set forth in a Settlement Agreement which was adopted and approved by the Commission's June 14, 1999 Order in Case No. 1999-00149. The intent of the requirement was to ensure that we are informed of the contents of affiliate agreements and are afforded an opportunity to provide comments prior to the agreements' being filed with the SEC or FERC.

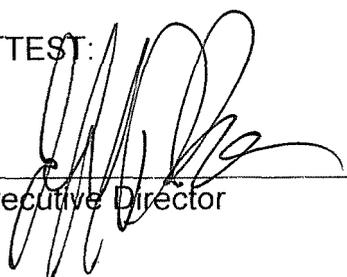
In this instance, the new agreements were not submitted to the Commission 30 days before being filed at FERC, but Kentucky Power did meet with the Commission Staff, the Attorney General's Office of Rate Intervention, and the Kentucky Industrial Utility Customers, Inc. to explain the contents of the proposed agreements prior to filing them with FERC. Under the circumstances of this case, the Commission finds good cause to accept Kentucky Power's efforts as substantial compliance and waive the requirement to submit the affiliate agreements 30 days prior to their being filed at FERC.

IT IS THEREFORE ORDERED that Kentucky Power's motion for a waiver of the requirement established in Case No. 1999-00149 to submit the affiliate agreements discussed in the findings above 30 days before filing those agreements at FERC is granted.

By the Commission

ENTERED  
MAR 05 2013  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

Case No. 2012-00475

Honorable Mark R Overstreet  
Attorney at Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY 40602-0634