

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY POWER)	
COMPANY FOR (1) A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
AUTHORIZING THE TRANSFER TO THE)	
COMPANY OF AN UNDIVIDED FIFTY)	
PERCENT INTEREST IN THE MITCHELL)	
GENERATING STATION AND ASSOCIATED)	CASE NO.
ASSETS; (2) APPROVAL OF THE)	2012-00578
ASSUMPTION BY KENTUCKY POWER)	
COMPANY OF CERTAIN LIABILITIES IN)	
CONNECTION WITH THE TRANSFER OF THE)	
MITCHELL GENERATING STATION; (3))	
DECLARATORY RULINGS; (4) DEFERRAL OF)	
COSTS INCURRED IN CONNECTION WITH)	
THE COMPANY'S EFFORTS TO MEET)	
FEDERAL CLEAN AIR ACT AND RELATED)	
REQUIREMENTS; AND (5) ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

ORDER

On November 6, 2013, Kentucky Power Company ("Kentucky Power") filed a motion to strike Exhibit A to the Attorney General's ("AG") petition for rehearing. Kentucky Power points out that Exhibit A contains the Direct Testimony and Exhibits of Scott Norwood ("Norwood Testimony") filed on behalf of the Virginia Attorney General's Division of Consumer Counsel on April 23, 2013, in Case No. PUE-2012-00141, before the Virginia State Corporation Commission. Kentucky Power contends that 807 KAR 5:001, Section 11(4), precludes the AG from submitting the Norwood Testimony into the evidentiary record because the taking of testimony in this matter has already closed. Kentucky Power also contends that the Norwood Testimony could have been

discovered by the AG with the exercise of reasonable diligence prior to the formal evidentiary hearing of this matter on July 10, 2013. As such, Kentucky Power argues that no particular circumstances exist to justify the admission of the Norwood Testimony into evidence on rehearing because KRS 278.400 limits rehearing to additional evidence that could not, with reasonable diligence, have been offered at the formal evidentiary hearing. The AG filed no response to Kentucky Power's motion to strike.

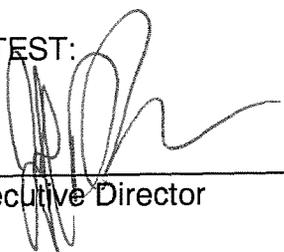
Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that the Norwood Testimony had been submitted after the evidentiary record had closed in this proceeding and that such evidence could have been, with reasonable diligence, filed prior to the hearing in this matter. 807 KAR 5:001, Section 11(4), prohibits the introduction of evidence after the close of testimony except in particular circumstances as permitted by the Commission. We note that the formal evidentiary hearing concluded on July 12, 2013, and that the AG's petition for rehearing did not set forth any specific grounds as to why the Norwood Testimony could not have been filed by July 12, 2013, or why it should be accepted by the Commission after the taking of testimony has concluded. Accordingly, the Commission will strike the Norwood Testimony from the official record of this matter.

IT IS THEREFORE ORDERED that Kentucky Power's Motion to Strike Exhibit A to the Attorney General's Petition for Rehearing is granted.

By the Commission

ENTERED 
NOV 26 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2012-00578

Joe Childers
Joe F. Childers & Associates
300 Lexington Building
201 West Short Street
Lexington, KENTUCKY 40507

Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

Shannon Fisk
Earthjustice
1617 JFK Boulevard, Suite 1675
Philadelphia, PENNSYLVANIA 19103

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

Hector Garcia
American Electric Power Service Corp.
1 Riverside Plaza, 29th Floor
Columbus, OHIO 43215-2373

Ranie Wohnhas
Managing Director
Kentucky Power Company
101 A Enterprise Drive
P. O. Box 5190
Frankfort, KY 40602

Kenneth J Gish, Jr.
Stites & Harbison
250 West Main Street, Suite 2300
Lexington, KENTUCKY 40507

Jennifer B Hans
Assistant Attorney General's Office
1024 Capital Center Drive, Ste 200
Frankfort, KENTUCKY 40601-8204

Kristin Henry
Staff Attorney
Sierra Club
85 Second Street
San Francisco, CALIFORNIA 94105

Robb W Kapla
85 Second Street
San Francisco, CALIFORNIA 94105