

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF COLUMBIA GAS OF )  
KENTUCKY, INC. FOR AN ADJUSTMENT OF ) CASE NO.  
RATES FOR GAS SERVICE ) 2013-00167

ORDER

The matter is before the Commission upon the petition of Office of Attorney General of the Commonwealth of Kentucky, through his Office of Rate Intervention ("AG"), to file his notice of objection to the letter filed by Kentucky Industrial Utility Customers ("KIUC") on or about September 12, 2013, or, in the alternative, to amend the procedural schedule. The AG notes that the procedural schedule does not permit any intervenor to file rebuttal testimony, but points to KIUC's letter, in which KIUC states that "[it] will not file Direct Testimony in the above-referenced matter, but reserves the right to file Rebuttal to testimony of other intervenors."<sup>1</sup> The AG contends that since there is no date for intervenor rebuttal testimony set forth in the procedural schedule, KIUC should not be allowed to file rebuttal testimony. He also objects to KIUC's letter as being untimely, and notes that since KIUC did not file direct testimony, it waived its right to file rebuttal testimony. The AG further argues that if the Commission determines that KIUC is entitled to file rebuttal testimony, the AG should be afforded the opportunity to file sur-rebuttal testimony to KIUC.

---

<sup>1</sup> Case No. 2013-00167, *Application of Columbia Gas of Kentucky, Inc. for an Adjustment of Rates for Gas Service*, Letter from David F. Boehm, Counsel for Kentucky Industrial Utility Customers, to Jeff Derouen, Executive Director of the Kentucky Public Service Commission (Ky. PSC Sept. 12, 2013).

On September 23, 2013, KIUC filed a memo in response to the AG's notice of objection to KIUC's letter. KIUC contends that there is nothing in the Kentucky Revised Code or the Kentucky Administrative Rules forbidding an intervenor from submitting testimony in response to another intervenor's testimony. KIUC further argues that it should be allowed to file rebuttal testimony in order to preserve the procedural due process rights of the Columbia Gas industrial customers that it represents and to provide additional information to the Commission. However, KIUC agrees that the AG should have the opportunity to file sur-rebuttal testimony to KIUC's rebuttal testimony.

Having reviewed the pleadings and being otherwise sufficiently advised, the Commission finds good cause to amend the procedural schedule.

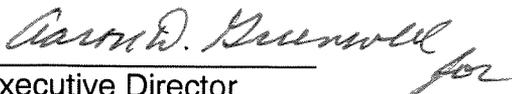
IT IS THEREFORE ORDERED that:

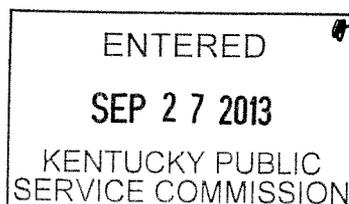
1. The AG's petition to amend the procedural schedule is granted to the extent that all intervenors shall be permitted to file rebuttal testimony to other intervenors' direct testimony by October 16, 2013, sur-rebuttal testimony to other intervenors' rebuttal testimony by October 25, 2013, and Columbia shall be permitted to file rebuttal testimony by November 5, 2013.

2. The procedural schedule attached as the Appendix to this order shall be followed in this case and shall supersede the procedural schedule appended to the Commission's July 16, 2013 Order.

By the Commission

ATTEST:

  
Executive Director



APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2013-00167 DATED **SEP 27 2013**

Last day for intervention requests to be accepted .....06/28/13

All requests for information to Columbia shall  
be filed no later than ..... 07/19/13

Columbia shall file responses to requests for  
information no later than.....08/02/13

All supplemental requests for information to Columbia  
shall be filed no later than .....08/15/13

Columbia shall file responses to supplemental requests  
for information no later than .....08/28/13

Intervenor testimony, if any, in verified prepared  
form, shall be filed no later than .....09/11/13

All requests for information to Intervenors shall  
be filed no later than.....09/25/13

Intervenors shall file responses to requests for  
information no later than .....10/07/13

Intervenor rebuttal testimony to other Intervenors' direct  
testimony, if any, in verified prepared form, shall be  
filed no later than .....10/16/13

Intervenor sur-rebuttal testimony to other Intervenors'  
rebuttal testimony, if any, in verified prepared form,  
shall be filed no later than .....10/25/13

Columbia shall file, in verified form, its rebuttal  
testimony no later than.....11/05/13

Last day for Columbia to publish notice of hearing .....11/06/13

Public Hearing to be held in Hearing Room 1  
of the Commission's offices at 211 Sower Boulevard,  
Frankfort, Kentucky, for the purpose of cross-examination  
of witnesses of Columbia and Intervenors .....11/13/13

Simultaneous briefs, if any .....To be scheduled

Honorable David J. Barberie  
Managing Attorney  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KENTUCKY 40507

Honorable Iris G Skidmore  
415 W. Main Street  
Suite 2  
Frankfort, KENTUCKY 40601

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

Richard S Taylor  
225 Capital Avenue  
Frankfort, KENTUCKY 40601

Honorable John M Dosker  
General Counsel  
Stand Energy Corporation  
1077 Celestial Street  
Building 3, Suite 110  
Cincinnati, OHIO 45202-1629

Honorable Dennis G Howard II  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

Brooke E Leslie  
Columbia Gas of Kentucky, Inc.  
200 Civic Center Drive  
P.O. Box 117  
Columbus, OHIO 43216-0117

Honorable Matthew R Malone  
Attorney at Law  
Hurt, Crosbie & May PLLC  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY 40507

Honorable Stephen B Seiple  
Attorney at Law  
Columbia Gas of Kentucky, Inc.  
200 Civic Center Drive  
P.O. Box 117  
Columbus, OHIO 43216-0117