

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENERGY CORP. FOR	)	CASE NO.
APPROVAL OF FLOW THROUGH RATES	)	2013-00385
PURSUANT TO KRS 278.455	)	

ORDER

On December 11, 2013, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“AG”), filed a motion seeking full intervention in the instant proceeding and a motion for deviation and leave to file an out-of-time response to the Kentucky Industrial Utility Customers, Inc.’s (“KIUC”) Motion to Treat All Consumers Equally with Respect to the Commission-Created Reserve Funds or in the Alternative to Require a Full-Blown Distribution Rate Case, which was filed on November 7, 2013. The AG also submitted the response to KIUC’s motion along with the motions to intervene and to deviate.

With respect to the AG’s intervention request, the AG states that KRS 367.150(8) grants him the right and obligation to appear before regulatory bodies of the Commonwealth of Kentucky, including the Commission, to represent consumers’ interests.

As to the deviation request, the AG asserts that good cause exists to permit the AG to file his response to KIUC’s motion beyond the five-day time period as prescribed by the Commission’s regulation governing motion practice, 807 KAR 5:001, Section 5. The AG points out that KIUC filed its motion before Kenergy Corp. filed its application

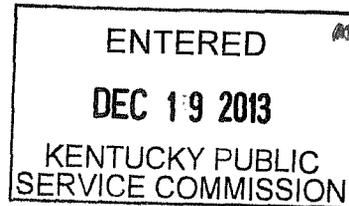
and before the establishment of any procedural schedule for the processing of this matter. The AG further points out that he was not served with a copy of KIUC's motion and that the AG is the only party with statutory authority to represent the interests of Kentucky ratepayers.

Having reviewed the pleading and being otherwise sufficiently advised, the Commission finds that the AG's motion to intervene should be granted. The Commission further finds that the AG has established good cause to permit him to file an out-of-time response to KIUC's motion.

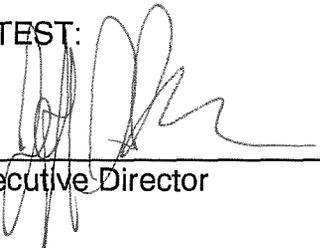
IT IS THEREFORE ORDERED that:

1. The AG's motion to intervene is granted, and the AG is hereby made a party to these proceedings.
2. The AG's motion to deviate and leave to file his response to KIUC's motion is granted.
3. The AG's response to KIUC's motion is accepted for filing and shall be included in the record of this matter.

By the Commission



ATTEST:

  
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Executive Director

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