

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

THE JOINT PETITION OF KENTUCKY-)	
AMERICAN WATER COMPANY,)	
THAMES WATER AQUA HOLDINGS)	CASE NO. 2002-00317
Gmbh, RWE AKTIENGESELLSCHAFT,)	
THAMES WATER AQUA US HOLDINGS,)	
INC., APOLLO ACQUISITION COMPANY)	
AND AMERICAN WATER WORKS CO. INC.,)	
FOR APPROVAL OF A CHANGE IN)	
CONTROL OF KENTUCKY-AMERICAN)	
WATER COMPANY)	

**RESPONSE BY THE ATTORNEY GENERAL
TO THE INFORMAL CONFERENCE STAFF MEMORANDUM
DATED SEPTEMBER 11, 2002**

Comes the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and files his response to the Informal Conference Staff Memorandum dated September 11, 2002 (the "Memorandum"). The memorandum does not accurately state the position of the Attorney General with respect to the time frame for this proceeding.

More specifically, the memorandum states "All participants agreed that, absent any unexpected event, the Commission should establish a schedule to complete its review of the application within 60 days of the filing of the Applicants' application." At the conference, the Attorney General and other participants were informed by the Commission Staff that the Commission intended to review this application and issue a decision within the initial 60 day period provided by statute. Discussions of a procedural schedule were based on this desire of the Commission to complete the proceeding within

that time frame, and not on the agreement of the Attorney General that the Commission should establish a 60 day schedule.

The Attorney General believes that this may be unrealistic given the fact that the scope of the hearing has yet to be determined. KRS 278.020 expressly provides for additional time if necessary, and the Commission's chief concern should be the full development of the record in this proceeding, the scope of which has not even been established. Hence, the Attorney General can not agree that a 60 day schedule serves as a reasonable time frame in which to proceed in this matter.

Respectfully submitted,

A.B. CHANDLER, III
ATTORNEY GENERAL

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NOTICE AND CERTIFICATION

Counsel gives notice the original and three copies of this document have been filed by hand delivery to Thomas M. Dorman, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40611, and by uploading the filing to the file transfer protocol site designated by the Executive Director. The undersigned counsel hereby certifies that the electronic version is a true and accurate copy of the documents filed in paper, the electronic version has been transferred to the Commission, and the Commission and other parties have been notified by electronic mail that the electronic version has been transmitted to the Commission. Undersigned counsel also certifies that a copy of the foregoing motion was served by first class U.S. Mail delivery, postage prepaid, on the following, all on this the 18th day of September 2002:

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