

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

In the Matter of:

Electronic Application Of Kentucky Power)	
Company For Certification of Public)	
Convenience and Necessity to Construct)	Case No. 2017-00328
A 161 kV Transmission Line in Perry and Leslie)	
Counties, Kentucky, and Associated Facilities)	

Motion For Leave To Modify The Order Of Examination Of Witnesses

Kentucky Power Company moves the Public Service Commission of Kentucky pursuant to 807 KAR 5:001, Section 9 and 807 KAR 5:001, Section 22 to modify the order of examination at the rehearing in this matter scheduled for November 27, 2018.

The order granting rehearing indicated that rehearing would “allow the record to be more fully developed on the issue of the Supplemental projects and their relationship to the Baseline projects, and allow both parties to respond to arguments put forward in the briefs filed on March 2, 2018.”¹ The order granting rehearing provided for additional discovery but did not contemplate the filing of additional testimony.

807 KAR 5:001, Section 9 governs the conduct of hearings before the Commission but does not mandate a specific order in which witnesses are to be examined. The usual order of witness examination is for the party bearing the burden of proof to qualify and present a witness for cross-examination. Then follows cross-examination by Intervenors, Staff, and the Commission; followed by redirect examination of the witness; followed finally by any re-cross examination. The Company requests that the Commission modify this usual order of

¹ Order, *In the Matter of: Electronic Application Of Kentucky Power Company For Certification of Public Convenience and Necessity to Construct A 161 kV Transmission Line in Perry and Leslie Counties, Kentucky, and Associated Facilities*, Case No. 2017-00328 at 2 (Ky. P.S.C. Filed April 25, 2018)

examination to permit Kentucky Power first to present its witnesses for direct examination by counsel followed cross-examination. Allowing the Company to present direct testimony before the initial round of cross-examination, in lieu of awaiting redirect testimony, will provide for the orderly development of the record with respect to the issues the Commission identified in its order granting rehearing. The requested modification also should aid Staff, the Attorney General, and the Commission in cross-examining the Company's witnesses.

The Company anticipates addressing three topics in connection in its proposed direct testimony:

- 1) The relationship between Supplemental projects and Baseline projects in general, as well the relationship between the Supplemental project elements and Baseline projects proposed in the application;
- 2) The engineering and other technical details of the supplemental projects proposed by the Company; and
- 3) Further orders and filings in, and related to, the proceedings giving rise to Federal Energy Regulatory Commission's order referenced by the Attorney General in his March 2, 2018 brief.² These orders and filings were placed of record on November 5, 2018 as part of the Company's supplemental response to the Attorney General's Rehearing data request 2(c).

Allowing the Company to present testimony on these issues prior to cross-examination will make for a more coherent record and will permit the rehearing to proceed in a more orderly and efficient manner.

WHEREFORE, the Company respectfully requests that the Commission enter an order modifying the order of examination at the November 27, 2018 rehearing to permit Kentucky Power Company to present its witnesses for direct examination by Kentucky Power's counsel prior to the initial round of cross-examination.

² *Monongahela Power Co., et al.*, Docket Nos. EL16-71-000 and ER17-179-003, *Order Accepting in Part Proposed Tariff Revisions and Requiring Tariff Revision Pursuant to Section 206*, 162 FERC ¶ 61, 129 (Federal Energy Regulatory Commission February 15, 2018).



Mark R. Overstreet
Katie M. Glass
STITES & HARBISON PLLC
421 West Main Street
P. O. Box 634
Frankfort, Kentucky 40602-0634
Telephone: (502) 223-3477
Facsimile: (502) 223-4124
moverstreet@stites.com
kglass@stites.com

John W. Pollom
STITES & HARBISON PLLC
250 West Main Street, Suite 2300
Lexington, Kentucky 40507
Telephone: (859) 226-2300
Facsimile: (859) 253-9144
jwpollom@stites.com

COUNSEL FOR KENTUCKY POWER
COMPANY