

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY )	
POWER COMPANY FOR A CERTIFICATE OF )	
PUBLIC CONVENIENCE AND NECESSITY TO )	CASE NO.
CONSTRUCT A 161 KV TRANSMISSION LINE )	2017-00328
IN PERRY AND LESLIE COUNTIES, )	
KENTUCKY AND ASSOCIATED FACILITIES )	

**THE ATTORNEY GENERAL’S MOTION TO HOLD KENTUCKY POWER’S  
MOTION FOR LEAVE TO MODIFY THE ORDER OF EXAMINATION OF  
WITNESSES IN ABEYANCE UNTIL AFTER AN INFORMAL CONFERENCE IS  
HELD**

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), and hereby requests that the Commission hold Kentucky Power’s Motion for Leave to Modify the Order of Examination of Witnesses in abeyance until after an informal conference can be held, and allow the Attorney General to file a response to the motion using his remaining response time upon the conclusion of that conference.

On November 5, 2018, Kentucky Power Company (“KPCo”) filed two motions along with a supplemental response to the Attorney General’s first rehearing set of data requests. KPCo’s first motion requested an informal conference to “provide Staff and the Attorney General with an adequate opportunity to address the information the Company proposes to provide at the informal conference prior to the November 27, 2018 scheduled rehearing” and “to present information concerning the testimony likely to be adduced by the company in connection with certain of the

topics or purposes identified by the Commission in its April 25, 2018 order granting rehearing.”<sup>1</sup> KPCo’s second motion requested to modify the order of witnesses at the scheduled rehearing to allow KPCo to present direct evidence before any cross-examination occurs.<sup>2</sup> The Attorney General believes that the issues in KPCo’s Motion to Modify the Order of Examination of Witnesses come under the purview of the requested informal conference.

KPCo’s first motion requesting an informal conference is purely procedural in nature, while its second motion is wholly substantive and raises issues regarding hearing witnesses and testimony that would necessarily be discussed at the requested informal conference. Requiring the Attorney General to file a response to the substantive motion before having had the chance to discuss the relevant issues at a conference requested by the procedural motion would be putting the cart well before the horse.

The Attorney General has no objection to holding an informal conference on these issues and will make himself available for same. He further believes that the proposed informal conference will be helpful and may narrow the contested issues, and that filing his response after the conference will provide for a more efficient process. Thus, the Attorney General requests that he be allowed four days—the remaining time he has as of the filing of this motion—to file a response to KPCo’s second substantive motion upon the conclusion of an informal conference. The Attorney General has spoken with counsel for KPCo, and KPCo has no objection to the Attorney General’s requested relief.

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<sup>1</sup> Kentucky Power Company’s Motion for Informal Conference, *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 (Ky. PSC November 5, 2018).

<sup>2</sup> Kentucky Power Company’s Motion For Leave To Modify The Order Of Examination Of Witnesses, *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 (Ky. PSC November 5, 2018).

WHEREFORE, the Attorney General asks that the Commission hold Kentucky Power's Motion for Leave to Modify the Order of Examination of Witnesses in abeyance until after an informal conference can be held and further allow the Attorney General to file a response to that motion within four days of the conclusion of the conference.

Respectfully submitted,

ANDY BESHEAR  
ATTORNEY GENERAL



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