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PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF OWEN ELECTRIC )  
COOPERATIVE, INC. FOR ADJUSTMENT ) Case No. 2008-00154  
OF RATES )

**ATTORNEY GENERAL'S MOTION TO STRIKE ADDITIONAL, IMPERMISSIBLE  
PRE-FILED TESTIMONY OR, IN THE ALTERNATIVE, TO MODIFY THE  
PROCEDURAL SCHEDULE TO ALLOW FOR DISCOVERY ON THE NEW PRE-  
FILED TESTIMONY**

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and objects to the additional, impermissible pre-filed testimony filed by Owen Electric Cooperative, Inc. As grounds for his objection, the Attorney General states the following.

While the Attorney General does not object to the substitution of a witness to sponsor testimony of a previous witness who has now left the employment of a utility, the filing of additional, impermissible testimony should be stricken.

First, the filing of testimony is clearly untimely as it was filed well beyond the time prescribed in the procedural schedule.

Second, although the company claims that the subject testimony is "similar" in nature to that of Mr. Hood, a preliminary review indicates that Mr. Stallon addresses new subject matter in his testimony that is not addressed in the testimony of Mr. Hood. This additional subject matter has not been subject to discovery by the intervenors. Obviously, this unduly prejudices the Attorney General and any other intervenors who have now been precluded from any opportunity for discovery on the new testimony, including a subsequent review and analysis of same. Moreover without the additional discovery, including the subsequent review and analysis of

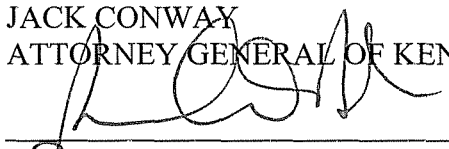
same, the Attorney General will effectively be denied meaningful opportunity in the evidentiary proceeding with respect to the witness and the subject matter.

Finally, it should be noted that should the Commission allows the company to file additional testimony at the eleventh hour, then the Commission sets a precedent whereby all utility companies in the future will consider doing likewise. It is anticipated that such a precedent would unduly complicate future proceedings before the Commission.

WHEREFORE, the Attorney General respectfully moves the Commission to strike the additional, impermissible pre-filed testimony filed by Owen or, in the alternative, to modify the procedural schedule to postpone the February 3<sup>rd</sup> hearing and to allow for additional discovery concerning the new pre-filed testimony.

Respectfully submitted,

JACK CONWAY  
ATTORNEY GENERAL OF KENTUCKY



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**CERTIFICATE OF SERVICE AND NOTICE OF FILING**

I hereby give notice that this the 29<sup>th</sup> day of January 2009, I have filed the original and ten copies of the foregoing Attorney General's Motion to Strike Additional, Impermissible Testimony with the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, 40601 and certify that this same day I have served the parties by mailing a true copy of same, postage prepaid, to those listed below.

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Assistant Attorney General