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APR 20 2009

PUBLIC SERVICE
COMMISSION

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April 15, 2009

Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Blvd
P.O. Box 615
Frankfort, KY 40602

Re: Proposed Adjustment of the Wholesale Water Service Rates
of the Frankfort Electric and Water Plant Board
Case No. 2008-00250

Dear Mr. Derouen:

Enclosed are the original and six copies of the Intervenor's Response to Frankfort Motion to Reconsider and Modify Order. Please file the original to the record of this action and return the file-stamped copy of the first page to me in the enclosed self-addressed, stamped envelope.

Thank you very much for your attention to this matter.

Yours truly,

MATHIS, RIGGS & PRATHER, P.S.C.

By: 
Donald T. Prather

DTP/mew
Enclosure
Dtp/wtr/us60/rate/psc ltr3

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PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED ADJUSTMENT OF THE WHOLESALE)
WATER SERVICE RATES OF THE FRANKFORT) CASE NO. 2008-00250
ELECTRIC AND WATER PLANT BOARD)

**INTERVENOR'S RESPONSE TO FRANKFORT
MOTION TO RECONSIDER AND MODIFY ORDER**

Come the Intervenors, Elkhorn Water District, North Shelby Water Company, Peaks Mill Water District, and U.S. 60 Water District of Shelby and Franklin Counties, Kentucky, by counsel, (hereinafter "Intervenors") to oppose the Motion to Reconsider and Modify Order filed by the Frankfort Electric and Water Plant Board (hereinafter "Frankfort"). Frankfort's motion cannot be granted unless it is permitted to file additional evidence in the record, specifically detailed invoices which it neglected to previously file in the record.

KRS 278.400 does not allow a party to offer additional evidence unless that evidence could not have been offered in the former hearing by the exercise of reasonable diligence. Frankfort had in its possession at the time of the hearing all of the additional evidence it now seeks to add to the record. Frankfort was asked at the hearing by counsel for Commission staff to provide an itemized list and invoices for all expenses

it was seeking to include in the rate case. Frankfort filed the itemized list, but not the invoices.

Frankfort's motion should be denied because it is based upon its request to submit additional post-hearing evidence that was available to Frankfort and could have been offered at the hearing if Frankfort had exercised reasonable diligence.

WHEREFORE, for the foregoing reasons the Intervenors respectfully request that the Commission deny Frankfort's Motion to Reconsider and Modify Order.

Respectfully submitted,
MATHIS, RIGGS & PRATHER, P.S.C.

By: 

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Attorney for Peaks Mill Water District
and Elkhorn Water District

CERTIFICATE OF SERVICE

I, the undersigned attorney, do hereby certify that a true and correct copy of the foregoing was this 15th day of April, 2009 served via first class mail, postage prepaid on the following:

Hance Price, Esq.
P.O. Box 308
317 W. Second Street
Frankfort, KY 40602
Attorney for Frankfort Electric and Water Plant Board

John N. Hughes, Esq.
124 West Todd Street
Frankfort, KY 40601
Attorney for Frankfort, Frankfort Electric and Water Plant Board



Donald T. Prather