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PUBLIC SERVICE
COMMISSION

November 19, 2008

FACSIMILE AND MAILED

Ms. Stephanie L. Stumbo
Executive Director
Public Service Commission
Post Office Box 615
211 Sower Boulevard
Frankfort, KY 40602

Re: PSC Case No. 2008-00409

Dear Ms. Stumbo:

Please find enclosed for filing with the Commission in the above-referenced case an original and ten copies of the Response and Objections of East Kentucky Power Cooperative, Inc., to the Petition to Intervene of Geoffrey M. Young.

Very truly yours,



Charles A. Lile
Corporate Counsel

Enclosures

Cc: Geoffrey M. Young
Dennis G. Howard II, Esq.
Michael L. Kurtz, Esq.

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

GENERAL ADJUSTMENT OF ELECTRIC RATES)	PSC CASE NO.
OF EAST KENTUCKY POWER)	2008-00409
COOPERATIVE, INC.)	

**RESPONSE AND OBJECTIONS OF EAST KENTUCKY
POWER COOPERATIVE, INC., TO PETITION TO INTERVENE
OF GEOFFREY M. YOUNG**

East Kentucky Power Cooperative, Inc. (“EKPC”), hereby responds and objects to the Petition to Intervene filed by Geoffrey M. Young in this case on November 14, 2008. The grounds for EKPC’s objections are as follows:

1. Mr. Young has no statutory right of intervention in this proceeding since, as the Public Service Commission (“Commission”) has found in previous cases, only the Attorney General is entitled to intervene as a matter of right.¹ Lacking such a right to intervene, Mr. Young seeks discretionary intervention pursuant to 807 KAR 5:001 Section 3 (8), which requires that a person seeking full intervention in a Commission case specify that he has “a special interest in the proceeding which is not otherwise adequately represented”, or demonstrate that his intervention “is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.” Mr. Young’s Petition to Intervene (the “Petition”) fails to state facts which would justify the granting of such discretionary intervention in this case.

¹ Order dated November 5, 2008, PSC Case No. 2008-00248.

2. Mr. Young, in his Petition, acknowledges that he is not a customer of EKPC or any of its member cooperatives.² Mr. Young in no way represents the interests of the member systems of EKPC, or their member consumers, and lacks any direct interest in the rates and service of EKPC, from which any special interest in this case could arise. The Attorney General represents the interests of utility ratepayers in Kentucky, pursuant to KRS §367.150 (8), has participated in an informal conference in this case, and has moved to intervene in this case. There is no special interest of EKPC ratepayers which will not be adequately represented in this case by the Attorney General.

3. The jurisdiction of the Commission is limited by KRS §278.040 to the regulation of utility rates and service. The proceedings in this case, as defined by KRS §278.180 and 278.190, are for the purpose of determining just and reasonable rates for EKPC. However, Mr. Young's stated interest in intervention in this case relates to his concerns about the "quality of the air I breathe" and in "reducing pollution that can harm people and the natural environment."³ It is clear that Mr. Young is attempting to improperly inject into this case his own personal interests in environmental issues, which are beyond the Commission's jurisdiction and the scope of this proceeding.

4. Mr. Young's intervention in this case would in no way assist the Commission in fully considering the proper subject matter of this case. Such intervention would, instead, burden the case with arguments and information which would not be material to the determination of fair, just and reasonable rates for EKPC. The energy efficiency matters which Mr. Young references, should they become an issue in the proceedings, are well within the scope of the Attorney General's intervention in this case. Mr.

² Young Petition, at p. 3.

³ Id., at p. 1-2.

Young's stated plans to pursue personal environmental objectives do not represent a proper role for an intervenor in this case, and would serve only to unduly complicate and disrupt the proceedings.

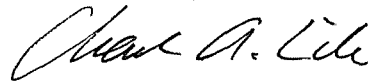
5. Mr. Young is not an attorney, and his petition is not filed by an attorney on his behalf. Mr. Young does not state that he is represented by counsel, and, presumably, he proposes to represent himself in this case. EKPC does not object to Mr. Young submitting public comments in the case, which is an appropriate way for him to participate. However, his self-representation as an intervenor would be another strong indication of the likelihood of undue complication and disruption of these proceedings. Mr. Young's Petition should be denied, pursuant to the criteria of 807 KAR 5:001 Section 3 (8).

WHEREFORE, EKPC formally objects to the Petition of Mr. Young, and urges the Commission to deny said Petition, for the reasons stated hereinabove.

Respectfully submitted,




DAVID A. SMART



CHARLES A. LILE
ATTORNEYS FOR EAST KENTUCKY
POWER COOPERATIVE, INC.
P. O. BOX 707
WINCHESTER, KY 40392-0707
(859) 744-4812

CERTIFICATE OF SERVICE

This is to certify that an original and ten (10) copies of the foregoing Response and Objections of East Kentucky Power Cooperative, Inc., to the Petition To Intervene of Geoffrey M. Young in the above-referenced case, were sent by first class mail, and a copy was transmitted by facsimile, to Stephanie L. Stumbo, Executive Director, Kentucky Public Service Commission, 211 Sower Boulevard, Post Office Box 615, Frankfort, Kentucky 40601, and copies were sent by first class mail to Geoffrey M. Young, 454 Kimberly Place, Lexington, Kentucky 40503; to Michael L. Kurtz, Esq., Boehm, Kurtz & Lowry, 36 E. Seventh Street, Suite 1510, Cincinnati, Ohio 45202, and to Dennis G. Howard II, Esq., Office of the Attorney General, Utility and Rate Intervention Division, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204, on this 19th day of November, 2008.



CHARLES A. LILE