

SECOND FURTHER INITIAL JOINT STAFF MEMORANDUM

TO: SANDRA SQUIRE
Executive Secretary

FROM: LESLIE J. ANDERSON *LJA*
Staff Attorney

DATE: January 24, 2006

RE: CASE NO. 05-1740-E-CS-CN
LIBERTY GAP WIND FORCE, LLC

06 JAN 24 PM 3:59
RECEIVED
W. M. PERDUE SERVICE
COMMISSION
SECRETARY'S OFFICE

Staff is filing this memorandum to clarify an issue raised in Longview's "Liberty Gap's Response to Staff's Memorandum" filed on January 17, 2006. In this filing Liberty Gap, among other things, implied that the Utilities Division and Engineering Division had completed their review of the case and that only the above Staff Attorney was not ready to proceed. Liberty Gap based this implication on the following statement in the Initial Joint Staff Memorandum filed on January 11, 2006: "Dixie L. Kellmeyer, Utilities Analyst III in the Commission's Utilities Division, and Wayne M. Perdue, Technical Analyst in the Commission's Engineering Division, have been assigned to this case. Both Ms. Kellmeyer and Mr. Perdue have informed the Staff Attorney that they will complete their review and submit a final recommendation within any Commission established procedural schedule established in the case."

Furthermore, Liberty Gap stated that the above Staff Attorney by her own admission does not have any other evidentiary hearings scheduled during the month of April 2006. Thus, Liberty Gap requested that the Commission grant its request for expedited treatment and hold the evidentiary hearing in April 2006.

To clarify, all of Staff, including the above Staff Attorney, will comply with the procedural schedule established by the Commission. The Initial Joint Staff Memorandum was a "joint staff memorandum" of all Staff, including Ms. Kellmeyer and Mr. Perdue, who joined in recommending that Liberty Gap's motion for expedited treatment be denied. All of Staff believes the Staff proposed procedural schedule for Liberty Gap is the most reasonable schedule. Furthermore, Staff believes its proposed procedural schedule is reasonable not just for Staff's schedule, since all of Staff is still reviewing the filing, but for all parties, present and future, to have an opportunity to make a full record for the Commission to address any issues which need addressed. Lastly, the Staff Attorney had at

CASE NO. 05-1740-E-CS-CN
LIBERTY GAP WIND FORCE, LLC
January 24, 2006
Page No. 2

least one other hearing scheduled in April at the time Staff filed its Initial Joint Staff Memorandum (which was prior to the parties in Appalachian Power Company and Wheeling Power Company, dba American Electric Power's rate case, Case No. 05-1278-E-PC-PW-42T, indicating that there would be no objection to the evidentiary hearing being rescheduled in April 2006). Thus, the Staff Attorney was not trying to outline all dates she was free, but was merely trying to alert the Commission to any conflicts which may impact them. Lastly, Staff appreciates Liberty Gap taking the initiative to republish the notice of filing so that the map is more readable.

LJA/skg
CWS *CWS*

H:\LANDERSON\wpdocs\051740 (liberty gap)\further initial memo 2.wpd