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July 21, 2011

RECEIVED

**VIA HAND DELIVERY**

Jeff DeRouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

JUL 21 2011

PUBLIC SERVICE  
COMMISSION

**RE: The 2011 Joint Integrated Resource Plan of Louisville Gas and Electric Company  
and Kentucky Utilities Company**  
**Case No. 2011-00140**

Dear Mr. DeRouen:

Enclosed please find and accept for filing the original and ten copies of Louisville Gas and Electric Company's and Kentucky Utilities Company's Objections to Rick Clewett, Drew Foley, Janet Overman, Gregg Wagner, The Natural Resources Defense Council, and The Sierra Club First Set of Requests for Interrogatories and Request for Production of Documents, in the above-referenced matter.

Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the enclosed additional copies and return them to me in the enclosed self-addressed stamped envelope. Should you have any questions please contact me at your convenience. in the above-referenced matter.

Yours very truly,

  
Kendrick R. Riggs

KRR:ec  
Enclosures  
cc: Parties of Record  
Edward George Zuger III

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COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE 2011 JOINT INTEGRATED )  
RESOURCE PLAN OF LOUISVILLE GAS ) CASE NO. 2011-00140  
AND ELECTRIC COMPANY AND )  
KENTUCKY UTILITIES COMPANY )

**LOUISVILLE GAS AND ELECTRIC COMPANY'S AND KENTUCKY UTILITIES  
COMPANY'S OBJECTIONS TO RICK CLEWETT, DREW FOLEY, JANET  
OVERMAN, GREGG WAGNER, THE NATURAL RESOURCES DEFENSE COUNCIL,  
AND THE SIERRA CLUB'S FIRST SET OF INTERROGATORIES AND REQUESTS  
FOR PRODUCTION OF DOCUMENTS TO LOUISVILLE GAS AND ELECTRIC  
COMPANY AND KENTUCKY UTILITIES COMPANY**

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively, the “Companies”), by counsel, hereby object to the instructions and definitions set forth in Rick Clewett, Drew Foley, Janet Overman, Gregg Wagner, the Natural Resources Defense Council and the Sierra Club’s First Set of Interrogatories and Requests for Production of Documents to Louisville Gas and Electric Company and Kentucky Utilities Company (collectively, “Environmental Groups”) and Interrogatory Nos. 7, 8, 9 and 10.

Accompanying Environmental Groups’ interrogatories and requests for production of documents are definitions and instructions that are overly broad, unduly burdensome and cumulatively seek to impose undue obligations upon the Companies. While the Commission has not addressed this specific issue, federal authorities recognize that instructions in discovery requests may be objected to if overly burdensome.<sup>1</sup>

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<sup>1</sup> 7 James Wm. Moore et. Al., *Moore's Federal Practice* § 33.31 (2009).

First, Environmental Groups seek to impose in the definitions section description of “any” so broadly as to encompass “all or each and every example.”<sup>2</sup> This definition not only seeks to require the Companies to perform an unduly exhaustive search for responsive documents, but would also include documents subject to the attorney-client privilege, work product protection and other recognized privileges. The Companies object to this definition and will provide responsive, non-privileged documents that are within its possession, custody or control.

The definitions section describes “document” so broadly as to require the Companies to search mediums not recognized in Commission proceedings or in the Companies usual course of business, such as telegrams and diaries that bear no relevance to the present proceeding.<sup>3</sup> Similarly, the definition of “communication” would require the Companies to search for and provide telegraphs, teletypes, and cables.<sup>4</sup> The Companies object to the extent that the definitions require the Companies to search for oral and written communications that are not kept in the Companies’ usual course of business.

The definitions section also seeks to impose an obligation on the Companies to identify responsive documents that are *not* within its custody or control.<sup>5</sup> Such request is unduly burdensome, time consuming and exceeds the scope of the Federal Rules of Civil Procedure.<sup>6</sup> As reiterated, the Companies will produce relevant documents reasonably responsive to the request and within their possession, custody or control that are kept in the usual course of business.

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<sup>2</sup> Environmental Groups Discovery, p. 2.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 2-3.

<sup>6</sup> *See* FRCP 34(a)(1).

The objections identified above are not exclusive, but instead are provided as examples of why the Companies have objected generally to the overly broad and unduly burdensome nature of the definitions and instructions portion of Environmental Groups' discovery. The Companies will respond to Environmental Groups' interrogatories and requests for production of documents in accordance with generally accepted Commission procedure subject to the forgoing objections and the objections to Interrogatory Nos. 7, 8, 9 and 10 that follow.

**LOUISVILLE GAS AND ELECTRIC COMPANY  
KENTUCKY UTILITIES COMPANY**

**Response to the Initial Interrogatories of  
Rick Clewett, Drew Foley, Janet Overman, Gregg Wagner, the Natural Resource Defense  
Council, and the Sierra Club**

**Case No. 2011-00140**

**Question No. 7**

**Witness: Counsel**

Q-7. Refer to page 8-4 of the Resource Plan. For each of the Companies' coal-fired electric generating units, identify in which years over the life of the Resource Plan the Companies intend to carry out "three-to-four week boiler outages," and list each project the Companies plan to carry out during each outage, and the cost of each such project.

A-7.

The quoted material referenced in the request for information is from a description of information in the Integrated Resource Plan. That material was provided only for informational purposes. The information requested was not used in the development of the Resource Plan in Integrated Resource Plan and therefore is irrelevant to the issues in this proceeding. Without waiver of this objection, Kentucky Utilities Company and Louisville Gas and Electric Company will file an additional response on August 4, 2011.

**LOUISVILLE GAS AND ELECTRIC COMPANY  
KENTUCKY UTILITIES COMPANY**

**Response to the Initial Interrogatories of  
Rick Clewett, Drew Foley, Janet Overman, Gregg Wagner, the Natural Resource Defense  
Council, and the Sierra Club**

**Case No. 2011-00140**

**Question No. 8**

**Witness: Counsel**

Q-8. Refer to page 8-4 of the Resource Plan. For each of the Companies' coal-fired electric generating units, identify in which years over the life of the Resource Plan the Companies intend to carry out the "target seven-to-eight year cycle for performing major maintenance." List each project the Companies plan to carry out during each such major maintenance, and the cost of each such project.

A-8.

The quoted material referenced in the request for information is from a description of information in the Integrated Resource Plan. That material was provided only for informational purposes. The information requested was not used in the development of the Resource Plan in Integrated Resource Plan and therefore is irrelevant to the issues in this proceeding. Without waiver of this objection, Kentucky Utilities Company and Louisville Gas and Electric Company will file an additional response on August 4, 2011.

**LOUISVILLE GAS AND ELECTRIC COMPANY  
KENTUCKY UTILITIES COMPANY**

**Response to the Initial Interrogatories of  
Rick Clewett, Drew Foley, Janet Overman, Gregg Wagner, the Natural Resource Defense  
Council, and the Sierra Club**

**Case No. 2011-00140**

**Question No. 9**

**Witness: Counsel**

Q-9. Refer to page 8-6 of the Resource Plan. For each of the Companies' coal-fired electric generating units, identify in which years during the life of the Resource Plan "boiler outages to replace boiler tube sections" have been scheduled.

A-9.

The quoted material referenced in the request for information is from a description of information in the Integrated Resource Plan. That material was provided only for informational purposes. The information requested was not used in the development of the Resource Plan in Integrated Resource Plan and therefore is irrelevant to the issues in this proceeding.

**LOUISVILLE GAS AND ELECTRIC COMPANY  
KENTUCKY UTILITIES COMPANY**

**Response to the Initial Interrogatories of  
Rick Clewett, Drew Foley, Janet Overman, Gregg Wagner, the Natural Resource Defense  
Council, and the Sierra Club**

**Case No. 2011-00140**

**Question No. 10**

**Witness: Counsel**

Q-10. Refer to page 8-7 of the Resource Plan. Identify which of the Companies' coal-fired electric generating units have replaced air heater baskets and in what year they did so.

A-10.

The quoted material referenced in the request for information is from a description of information in the Integrated Resource Plan. That material was provided only for informational purposes. The information requested was not used in the development of the Resource Plan in Integrated Resource Plan and therefore is irrelevant to the issues in this proceeding.



Dated: July 21, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kendrick R. Riggs", written over a horizontal line.

Kendrick R. Riggs

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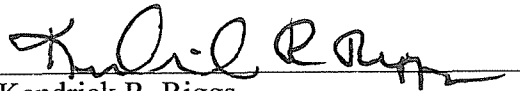
**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Response was served via U.S. mail, first-class, postage prepaid, this 21st day of July 2011 upon the following persons:

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