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COMMONWEALTH OF KENTUCKY  
BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES COMPANY )  
FOR CERTIFICATES OF PUBLIC CONVENIENCE AND ) CASE NO. 2011-00161  
NECESSITY AND APPROVAL OF ITS 2011 COMPLIANCE )  
PLAN FOR RECOVERY BY ENVIRONMENTAL SURCHARGE )

**REPLY TO RESPONSE OF KENTUCKY UTILITIES COMPANY TO  
THE MOTION TO INTERVENE OF BENJAMIN J. LOOKOFSKY**

Comes Benjamin J. Lookofsky, as a customer of Kentucky Utilities Company in Lexington, Kentucky, and in reply to the Response filed by this individual’s Motion to intervene in the application for a rate increase replies as follows:

In the Response filed by Kentucky Utilities Company in paragraph 1, which states, “The Commission Should Deny Mr. Lookofsky’s Motion to Intervene Because Mr. Lookofsky Does Not Have a Special Interest in This Proceeding,” is factious to say the least. I am a customer of Kentucky Utilities Company, and as such I am subject to the rate increase and it affects my disposable income in a very significant way.

I am attaching as an exhibit to my reply a Notice that appeared in the May 25, 2011 edition of the Lexington Herald-Leader, and specifically the last paragraph which states, “Any cooperation, association, body politic or **PERSON** may, by motion within thirty (30) days after publication, request leave to intervene....

The Notice does not state that you must meet some pre-conditions before you can intervene. It does not state that the prospective intervener must be able to identify any issues

or develop any facts that would assist the Commission, nor does it say we must meet the criteria set out in 807 KAR 5:001, Section 3(8), in order to be allowed to intervene.

It is the position of this intervener that Kentucky Utilities Company was waived any such pre-conditions or criteria as set out in the above KAR by failing to put same in the Notice.

The Response of Kentucky Utilities goes on to say that, for whatever reason, my intervention would unduly complicate and disrupt the proceeding. This is totally factious, in that I am not sure how I could complicate or disrupt the hearing.

I have been practicing law for 46 years and have never been accused of complicating or disrupting any hearing whatsoever.

The Response states that the Attorney General has “significant experience in representing rate payer’s interest in ECR proceedings, including prior KU cases.” While this prospective intervener does not deny that the Attorney General has significant experience in representing rate payer’s interests. I would argue as to whether or not the Attorney General **REALLY** represents rate payer’s interests, given the fact a conflict exists between the Attorney General and the utility companies he is supposed to be in an adversarial position with, by accepting campaign donations in large amounts from the utilities companies he is supposed to be in said position with.

Counsel for Kentucky Utilities, as well as the Attorney General, that in private practice that this relationship would not be allowed to exist.



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**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the forgoing Motion was sent, via First Class U.S. Mail, postage prepaid, on this the 11 day of July, 2011, to:

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### NOTICE TO CUSTOMERS OF KENTUCKY UTILITIES COMPANY RECOVERY BY ENVIRONMENTAL SURCHARGE OF KENTUCKY UTILITIES COMPANY'S 2011 ENVIRONMENTAL COMPLIANCE PLAN

**PLEASE TAKE NOTICE** that on June 1, 2011, Kentucky Utilities Company ("KU") will file with the Kentucky Public Service Commission ("Commission") in Case No. 2011-00161, an Application pursuant to Kentucky Revised Statute 278.183 for approval of an amended compliance plan ("KU's 2011 Environmental Compliance Plan") for the purpose of recovering the capital costs and operation and maintenance costs associated with new pollution control facilities through an increase in the environmental surcharge on customers' bills beginning January 31, 2012 under KU's existing Electric Rate Schedule ECR, also known as the environmental cost recovery surcharge.

Federal, state, and local environmental regulations require KU to build and upgrade equipment and facilities to operate in an environmentally sound manner. Specifically, KU is seeking Commission approval of Certificates of Public Convenience and Necessity ("CPCN") to construct new Particulate Matter Control Systems to serve all units at the Ghent Generating Station in Ghent, Kentucky, and to serve all units at the E.W. Brown Generating Station in Burgin, Kentucky, to comply with the national emissions standards for hazardous air pollutants proposed by the U.S. Environmental Protection Agency ("EPA"). The Particulate Matter Control Systems are also being installed to comply with EPA-imposed sulfuric acid mist and opacity requirements. Additionally, KU is seeking recovery of costs associated with these environmental projects, which are necessary for compliance with the federal Clean Air Act, the federal Resource Conservation and Recovery Act, and other current or proposed environmental laws and regulations, and enforcement actions. These additional projects primarily relate to installing Particulate Matter Control Systems to serve all units at the Ghent Generating Station, installing Particulate Matter Control Systems to serve all units at the E.W. Brown Generating Station, converting the main coal combustion residuals treatment basin at the E.W. Brown Generating Station to a landfill and other pollution control facilities. The capital cost of the new pollution control facilities for which KU is seeking recovery at this time is estimated to be \$1.1 billion. Additional operation and maintenance expenses will be incurred for these projects and are costs that KU is requesting to recover through the environmental surcharge in its application.

The impact on KU's customers is estimated to be a 1.5% increase in 2012 with a maximum increase of 12.2% in 2016. For a KU residential customer using 1,000 kilowatt hours per month, the initial monthly increase is expected to be \$1.13 during 2012; with the maximum monthly increase expected to be \$9.46 during 2016.

The Environmental Surcharge Application described in this Notice is proposed by KU. However, the Public Service Commission may issue an order modifying or denying KU's Environmental Surcharge Application. Such action may result in an environmental surcharge for consumers other than the environmental surcharge described in this Notice.

Any corporation, association, body politic or person may, by motion within thirty (30) days after publication, request leave to intervene in Case No. 2011-00161. That motion shall be submitted to the Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky, 40602, and shall set forth the grounds for the request including the status and interest of the party. Intervenor may obtain copies of the Application and testimony by contacting Kentucky Utilities Company at 220 West Main Street, Louisville, Kentucky, 40202, Attention: Lonnie E. Bellar, Vice President, State Regulation and Rates. A copy of the Application and testimony will be available for public inspection on KU's website (<http://www.lge-ku.com>) and at KU's offices where bills are paid after June 1, 2011.

EXHIBIT 1