

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

AUG 10 2011

PUBLIC SERVICE  
COMMISSION

In The Matter Of:

Application of Louisville Gas and Electric Company )  
for Certificates of Public Convenience and Necessity ) Case No. 2011-00162  
and Approval of its 2011 Compliance Plan for )  
Recovery by Environmental Surcharge )

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MOTION FOR ADMISSION PRO HAC VICE  
OF ROBERT A. GANTON

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Comes now the United States Department of Defense and other Federal Executive Agencies, by and through counsel, and moves the Commission for entry of an Order allowing Robert A. Ganton, Esq., of the Regulatory Law Office, U.S. Army Legal Services Agency 901 N. Stuart Street, Suite 525 Arlington, VA 22203-1837, to appear *pro hac vice* in this case.

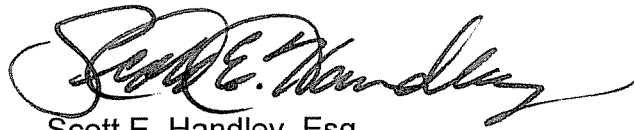
In support of this Motion, the undersigned counsel states that Mr. Ganton is a member in good standing of the Bar of the District of Columbia Bar # 251306.

In further support of this Motion, the undersigned counsel attaches a copy of the Kentucky Bar Association Out-of-State Certification Form confirming payment of the \$100.00 fee as required by SCR 3.030(2) for permission to practice in Kentucky Public Service Commission Case Number 2009-00549.

**WHEREFORE**, the Commission is hereby requested to enter an Order permitting Mr. Ganton to appear *pro hac vice* in this case.

DATED: July 25, 2011

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott E. Handley". The signature is fluid and cursive, with a large initial "S" and "H".

Scott E. Handley, Esq.  
Administrative Law Division  
Office of the Staff Judge Advocate  
50 Third Avenue, Room 215  
Fort Knox, KY 40121-5000  
Telephone: 502-624-7414  
Facsimile: 502-624-0997  
E-mail: [scott.handley1@us.army.mil](mailto:scott.handley1@us.army.mil)

**COUNSEL FOR THE UNITED STATES  
DEPARTMENT OF DEFENSE  
AND OTHER FEDERAL EXECUTIVE AGENCIES**

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Petition for Full Intervention by the United States Department of Defense and other Federal Executive Agencies was served on the following parties on the 26 day of July 2011 by United States Mail, postage prepaid.

  
SCOTT E. HANDLEY, Esq

Honorable Dennis G Howard II  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive Suite 200  
Frankfort, KY 40601-8204

Lonnie E. Bellar  
Vice President, State Regulation and Rates  
LG&E and KU Services Company  
220 West Main Street  
Louisville, KY 40202

Robert M. Conroy  
Director, Rates  
Louisville Gas and Electric Company  
220 W. Main Street  
P.O. Box 32010  
Louisville, KY 40202

Kendrick R. Riggs  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202-2828

Allyson K. Sturgeon  
Senior Corporate Attorney  
LG&E and KU Services Company  
220 West Main Street  
Louisville, KY 40202

David C. Brown  
Stites & Harbison PLLC  
400 West Market Street, Suite 1800  
Louisville, KY 40202  
Michael L. Kurtz  
Boehm, Kurtz & Lowry  
36 East Seventh Street Suite 1510  
Cincinnati, OH 45202

Thomas J FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1812  
(502) 564-3795  
FAX (502) 564-3225  
www.kybar.org



## OFFICERS

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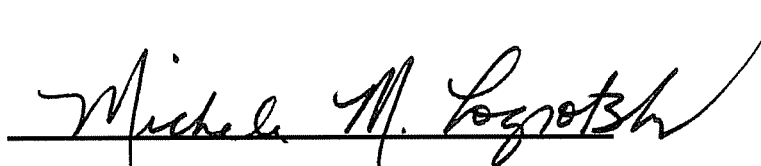
## KENTUCKY BAR ASSOCIATION OUT-OF-STATE CERTIFICATION FORM

COURT Kentucky Public Service Commission CASE NO. 2011-00162

### SCR 3.030 Membership, practice by nonmembers and classes of membership

(2) A person admitted to practice in another state, but not in this state, shall be permitted to practice a case in this state only if that attorney subjects himself or herself to the jurisdiction and rules of the court governing professional conduct, pays a per case fee of \$100.00 to the Kentucky Bar Association and engages a member of the association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. No motion for permission to practice in any state court in this jurisdiction shall be granted without submission to the admitting court of a certification from the Kentucky Bar Association of receipt of this fee.

The Kentucky Bar Association certifies that Robert A. Ganton has paid the per case fee of \$100.00 in the above referenced case as required in SCR 3.030(2).

  
Michele M. Pogrotsky, Deputy Registrar



KENTUCKY BAR ASSOCIATION
OUT-OF-STATE CERTIFICATION REQUEST FORM



PLEASE PROVIDE THIS OFFICE WITH THE FOLLOWING INFORMATION:

NAME: Robert A. Ganton (PLEASE PRINT)

DATE OF BIRTH: September 7, 1948

ADDRESS TO BE USED FOR KBA RECORDS:
U.S. Army Legal Services Agency
901 N. Stuart Street, Suite 525
Arlington, VA 22203

TELEPHONE NUMBER: (Please indicate if this is a business or home telephone number)
703-696-1645 Home Business

FAX NUMBER: 703-696-2960

E-MAIL ADDRESS: robert.ganton@us.army.mil

STATE BARS OF WHICH YOU ARE A MEMBER IN GOOD STANDING: (Please include membership number)
District of Columbia, #251306

KY COURT AND CASE NUMBER FOR WHICH YOU SEEK CERTIFICATION:
Public Service Commission, Case No. 2011-00162
(REQUIRED)

KENTUCKY CO-COUNSEL / BAR #: Scott E. Handley, 86646
(REQUIRED)

Since January 1, 2005, have you practiced a case in Kentucky under SCR 3.030? YES NO

SCR 3.030 Membership, practice by nonmembers and classes of membership

(2) A person admitted to practice in another state, but not in this state, shall be permitted to practice a case in this state only if that attorney subjects himself or herself to the jurisdiction and rules of the court governing professional conduct, pays a per case fee of \$100.00 to the Kentucky Bar Association and engages a member of the association as co-counsel, whose presence shall be necessary at all trials and at other times when required by the court. No motion for permission to practice in any state court in this jurisdiction shall be granted without submission to the admitting court of a certification from the Kentucky Bar Association of receipt of this fee.

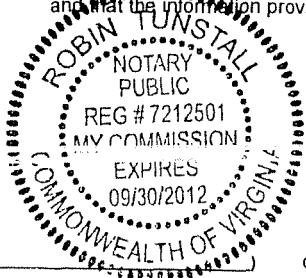


I have read and agree to comply with the requirements set forth in SCR 3.030(2), including submitting to the Rules of Professional Conduct of The Kentucky Supreme Court.



I certify by signing this form that I am a member in good standing in my state(s) of licensure, and that the information provided by me on this form is true and correct.

Notary Seal: (Required)



Robert A. Ganton
SIGNATURE

STATE OF Virginia COUNTY OF Arlington

Acknowledged, subscribed & sworn to by Robert A. Ganton

who personally appeared before me on the 21 day of July, 2011.

Robin Tunstall
NOTARY PUBLIC
My Commission expires: 09/30/2012

RETURN ORIGINAL FORM TO:
KENTUCKY BAR ASSOCIATION
ATTN: MEMBERSHIP DEPARTMENT
514 W MAIN ST
FRANKFORT KY 40601-1812
Phone (502)564-3795

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and Approval of its 2011 Compliance Plan for )  
Recovery by Environmental Surcharge )

Case No. 2011-00162

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ORDER

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Motion having been made by the United States Department of Defense and other Federal Executive Agencies, by Counsel, and the Commission being sufficiently advised;

IT IS HEREBY ORDERED AND ADJUDGED that the Motion for Admission Pro Hac Vice of Robert A. Ganton pursuant to Ky. SCR 3.030 be, and hereby is, granted. This is a final and appealable Order and there is no just reason for delay in its entry.

By the Commission

ATTEST:

---

Executive Director

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

**RECEIVED**

**AUG 10 2011**

**PUBLIC SERVICE  
COMMISSION**

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND )  
ELECTRIC COMPANY FOR CERTIFICATES OF ) CASE NO.  
PUBLIC CONVENIENCE AND NECESSITY AND ) 2011-00162  
APPROVAL OF ITS 2011 COMPLIANCE PLAN )  
FOR RECOVERY BY ENVIRONMENTAL )  
SURCHARGE )

O R D E R

The Commission, on its own motion, HEREBY ORDERS that:

1. Louisville Gas and Electric Company ("LG&E") shall re-file its proposed Environmental Surcharge Cost Recovery tariff to reflect an effective date of December 16, 2011, in accordance with KRS 278.183(2) and the Commission's Order entered June 21, 2011.

2. The procedural schedule set forth in the Appendix attached hereto and incorporated herein shall be followed.

3. Any document filed in this case shall be served on all parties of record with an original and 15 copies to the Commission.

4. a. All responses to requests for information shall be appropriately bound, tabbed, and indexed. All responses shall include the name of the witness who will be responsible for responding to questions related to the information provided.

b. Any request for information from the Commission Staff shall be responded to as if set forth in a Commission Order.

c. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

d. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

e. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

5. LG&E shall give notice of the hearing in accordance with the provisions set out in 807 KAR 5:011, Section 8(5). At the time publication is requested, LG&E shall forward a duplicate of the notice and request to the Commission.

6. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

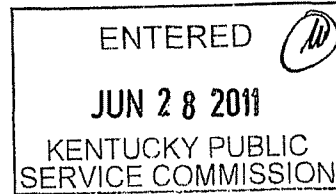
7. Any objections or motions relating to discovery or procedural dates shall be filed upon four business days' notice or the filing party shall explain, in writing, why such notice was not possible.

8. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

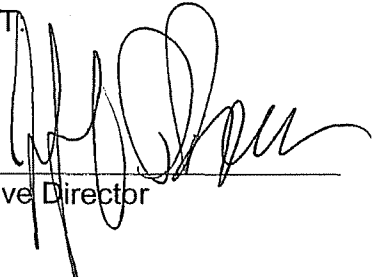


9. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission



ATTEST

  
\_\_\_\_\_  
Executive Director

Case No. 2011-00162

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2011-00162 DATED JUN 28 2011

All Initial requests for information to  
Louisville Gas and Electric ("LG&E")  
shall be filed no later than ..... 07/12/11

LG&E shall file responses to initial requests for information  
no later than..... 07/25/11

All supplemental requests for information to LG&E shall be  
filed no later than ..... 08/08/11

LG&E's responses to supplemental requests for information  
shall be filed no later than..... 08/22/11

Intervenor testimony, if any, in verified prepared form,  
shall be filed no later than..... 09/06/11

All requests for information to Intervenors shall be filed no later than ..... 09/20/11

Intervenors' responses to requests for information shall be  
filed no later than ..... 10/03/11

Rebuttal testimony, if any, shall be filed  
no later than ..... 10/14/11

Last day for LG&E to publish notice of hearing..... (to be scheduled)

Public hearing shall begin at 9:00 a.m., Eastern  
Standard Time, in Hearing Room 1 of the Commission's  
offices at 211 Sower Boulevard, Frankfort, Kentucky,  
for the purpose of cross-examination of witnesses of  
LG&E and intervenors ..... (to be scheduled)

Lonnie Bellar  
Vice President, State Regulation & Rates  
LG&E and KU Services Company  
220 West Main Street  
Louisville, KENTUCKY 40202

Allyson K Sturgeon  
Senior Corporate Attorney  
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