

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ADJUSTMENT OF RIDER AMRP)	CASE NO.
OF DUKE ENERGY KENTUCKY, INC.)	2008-00114

O R D E R

Pursuant to the Commission's Order of December 22, 2005 in Case No. 2005-00042,¹ Duke Energy Kentucky, Inc. ("DE-Kentucky") submitted an application, on March 31, 2008, for an adjustment to its Accelerated Main Replacement Program Rider Tariff ("AMRP Rider"). The Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention ("AG"), has moved to intervene pursuant to KRS 367.150(8).

The AG appealed the Commission's December 22, 2005 Order and the matter is presently pending in the Kentucky Court of Appeals. The parties to that appeal (DE-Kentucky, the AG, and the Commission) submitted an Agreed Order to the Court of Appeals in which they agreed that the Commission would not act on the AMRP Rider during the pendency of the appeal. On September 17, 2007, the Court of Appeals entered an Order granting and incorporating the terms of the parties' Agreed Order.

Having reviewed the application filed herein and the Court of Appeals' Order, the Commission declines to render a decision on the application and finds that this proceeding should be dismissed without prejudice, pending resolution of the appeal.

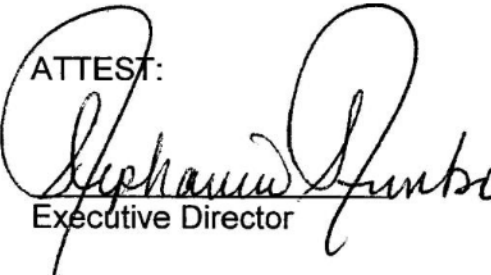
¹ Case No. 2005-00042, An Adjustment of the Gas Rates of The Union Light, Heat and Power Company.

IT IS THEREFORE ORDERED that this case is dismissed without prejudice and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 17th day of April, 2008.

By the Commission

ATTEST:


Executive Director