

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE 2008 INTEGRATED RESOURCE PLAN)
OF DUKE ENERGY KENTUCKY, INC.) CASE NO. 2008-00127

O R D E R

On April 3, 2008, Duke Energy Kentucky, Inc. (“Duke Kentucky”) moved the Commission for a waiver from the requirements of 807 KAR 5:058, Sections 7(5) and 8(3), regarding its integrated resource plan (“IRP”) filing, which, pursuant to the Commission’s final Order in Case No. 2005-00370¹ is due to be filed on July 1, 2008. Duke Kentucky also moved the Commission to allow it to file its waiver request out of time, as the deadline for filing such waiver was April 2, 2008—one day prior to the date it was filed.

The Commission finds that Duke Kentucky’s motion to file its request for waiver out of time is in substantial compliance with the filing requirements of 807 KAR 5:058, as the filing of the request one day after the deadline established by 807 KAR 5:058, Section 3, will not adversely affect the Commission’s ability to review Duke Kentucky’s IRP filing. Therefore, the Commission finds that Duke Kentucky’s motion to file its waiver request out of time should be granted.

¹ Case No. 2005-00370, The Application of The Union Light, Heat and Power Company to Establish October 1, 2008 as the Filing Date for Its Next Integrated Resource Plan [Duke Energy Corporation acquired The Union Light, Heat and Power Company’s parent company, Cinergy, in 2006].

The Commission further finds that Duke Kentucky's request to waive the requirements of 807 KAR 5:058, Sections 7(5) and 8(3), for its July 1, 2008 IRP filing should be granted. If not waived, 807 KAR 5:058, Sections 7(5) and 8(3), would require the filing of information related to the integrated Duke Energy Corporation system. As Duke Kentucky notes in its request, Duke Energy Corporation owns numerous utility operating companies in five states, including Kentucky, of which Duke Kentucky is the only Duke Energy Corporation affiliate subject to the jurisdiction of the Commission. The several Duke Energy Corporation companies do not currently perform joint planning for their generation resources on an integrated system-wide basis.

Duke Kentucky will be filing a stand-alone IRP, focusing only on its retail load in Kentucky. Therefore, information regarding all of Duke Energy Corporation's utility operating companies would not provide the Commission with any substantially useful information for determining Duke Kentucky's ability to serve its retail load. Duke Kentucky also states that it would be an unreasonably time-consuming and burdensome process to generate that information for the Commission as no such integrated planning is currently in existence.

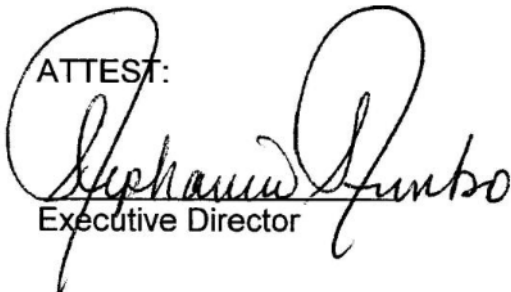
IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion to file its request for waiver out of time is granted.
2. Duke Kentucky's request for a waiver from the requirements of 807 KAR 5:58, Sections 7(5) and 8(3), for its July 1, 2008 IRP filing is granted.
3. Duke Kentucky shall submit its next IRP filing with the Commission on or before July 1, 2008.

Done at Frankfort, Kentucky, this 1st day of May, 2008.

By the Commission

ATTEST:


Executive Director