

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF DUKE ENERGY KENTUCKY,	)	
INC. FOR APPROVAL OF AN ENERGY	)	CASE NO.
EFFICIENCY PLAN, INCLUDING AN ENERGY	)	2008-00495
EFFICIENCY RIDER AND PORTFOLIO OF	)	
ENERGY EFFICIENCY PROGRAMS	)	

ORDER

On December 1, 2008, Duke Energy Kentucky, Inc. ("Duke Kentucky") filed with the Commission a petition for approval of (i) a revised approach to its energy conservation and demand response programs; (ii) a new energy efficiency rider ("Rider SAW") to implement proposed new energy efficiency programs; and (iii) a description of the proposed energy efficiency programs. The application proposes that the Rider SAW become effective on April 1, 2009. Based upon its initial review of Duke Kentucky's proposed energy efficiency plan, the Commission finds that additional inquiry is necessary to determine the reasonableness of Rider SAW. Therefore, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed tariff rider for 5 months up to and including August 31, 2009.

The Commission expects the parties to use their best efforts to informally resolve any discovery disputes or requests for extensions of time. Absent informal resolution, any objection or motion should be filed at least 4 business days prior to the established due date. If this deadline is not met, the filing party should include in the written objection or motion, a full and complete explanation for such failure.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's proposed rates are suspended for 5 months, up to and including August 31, 2009.

2. The procedural schedule set forth in the Appendix to this Order shall be followed in this proceeding.

3. a. All requests for information and responses thereto shall be appropriately bound, tabbed, and indexed and the original and 10 copies shall be filed with the Commission, with copies to all parties of record. Any request for information by letter from the Commission Staff shall be responded to as if set forth in a Commission Order. All responses shall include the name of the witness who will be responsible for responding to questions related to the information provided.

b. 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.

c. Any 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.

d. 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.

4. Any party filing testimony shall file an original and 10 copies with the Commission, with copies to all parties of record.

5. Duke Kentucky 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, Duke Kentucky 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 4 business days' notice or the filing party shall explain, in writing, why such notice was not possible.

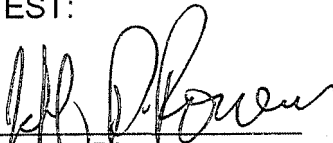
8. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

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

Done at Frankfort, Kentucky, this 13th day of February, 2009.

By the Commission

ATTEST:

  
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Executive Director

APPENDIX

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2008-00495 DATED FEBRUARY 13, 2009

Intervenors and Commission Staff may serve interrogatories and requests  
for production of documents upon Duke Kentucky no later than.....03/16/09

Duke Kentucky shall file with the Commission and serve upon all parties  
of record responses to interrogatories and requests for production of  
documents no later than .....03/30/09

Intervenors and Commission Staff may serve supplemental interrogatories  
and requests for production of documents upon Duke Kentucky no later than ....04/13/09

Duke Kentucky shall file with the Commission and serve upon all parties  
of record responses to supplemental interrogatories and requests for  
production of documents no later than.....04/27/09

Intervenor testimony, if any, in verified prepared form shall be filed no  
later than.....05/11/09

All requests for information to Intervenors shall be filed no later than.....05/25/09

Intervenors shall file responses to requests for information no later than .....06/08/09

Last day for Duke Kentucky to publish notice of hearing ..... To be Determined ("TBD")

Public Hearing to be held in Hearing Room 1 of the Commission's offices  
at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of  
cross-examination of witnesses of Duke Kentucky and Intervenors ..... TBD

Simultaneous Briefs, if any ..... TBD

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