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MICHAEL J. PAHUTSKI
Counsel

VIA OVERNIGHT MAIL
February 27, 2004

CINERGY.

Honorable Thomas M. Dorman
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: Administrative Case No. 387, ULH&P's Response to Appendix G of the Commission's Ordered Data Requests

Dear Mr. Dorman:

Enclosed please find the following documents, where are being submitted to you for filing in the above-captioned case:

- one un-redacted original (filed under seal) of ULH&P's responses to data requests
- an original and 12 copies of The ULH&P's and CG&E's Joint Petition for the Confidential Treatment of Certain Information Filed In Response to Commission's Order
- a redacted original and twelve (12) redacted copies of ULH&P's responses to data requests

Please date-stamp the two (2) extra copies and return them to me in the overnight mail envelope provided. Should you have any questions, please feel free to contact me at (513) 287-3075.

Sincerely,

Michael J. Pahutski

MJP/mak

Enclosures

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

A Review of the Adequacy of Kentucky's Generation Capacity and Transmission System	)))	ADMINISTRATIVE CASE NO. 387

THE UNION LIGHT, HEAT AND POWER COMPANY'S AND THE CINCINNATI GAS & ELECTRIC COMPANY'S JOINT PETITION FOR THE CONFIDENTIAL TREATMENT OF CERTAIN INFORMATION FILED IN RESPONSE TO COMMISSION'S ORDER

The Union Light, Heat and Power Company (ULH&P) and The Cincinnati Gas & Electric Company (CG&E) (collectively, Petitioners) respectfully submit this petition in accordance with 807 KAR 5:001 Section 7, seeking the confidential treatment of certain information provided in response to the Commission's December 20, 2001 Order in this proceeding. In support of this petition, Petitioners submit the following:

1. On July 2, 2001, the Commission issued an Order in this proceeding seeking responses to twenty questions pertaining to generation and transmission capacity and adequacy. The Commission made ULH&P, among others, a party to this proceeding. ULH&P filed responses to these

twenty questions on July 31, 2001. At that time, ULH&P sought, and the Commission granted, confidential treatment of certain generation outage information.

2. On December 20, 2001, the Commission issued an Order in this proceeding seeking responses to fourteen questions pertaining to generation and transmission capacity and adequacy. The Commission required that electric utilities file responses to these questions by March 1st and July 1st of each year.

3. The Petitioners have prepared responses to the questions posed by the Commission for filing on March 1, 2004. One of these responses contains information that Petitioners consider confidential.

4. The Commission's regulations, in 807 KAR 5:001, provide that any person requesting confidential treatment of any material file a petition setting forth the grounds, pursuant to KRS 61.870 *et seq.*, upon which the Commission should classify that material as confidential.

5. Kentucky Revised Statute § 61.878(1)(c)(1) provides that records confidentially disclosed to an agency or required to be disclosed to the agency be exempt from Kentucky's open records statutes, KRS 61.870 *et seq.* where the records are generally recognized as confidential or proprietary, and which if openly disclosed would permit an unfair commercial advantage to competitors of the entity that disclosed the records.

6. ULH&P's affiliate, CG&E, has assisted ULH&P in responding to the Commission's data requests in this proceeding. Because ULH&P does not presently own generation but anticipates acquiring generation facilities from CG&E, CG&E has assisted ULH&P in providing CG&E-related generation information in the spirit of cooperation.

7. Petitioners submit that the following information, if openly disclosed, could present antitrust issues by giving Petitioners's competitors access to competitively sensitive, confidential information, which in turn could cause energy prices to consumers to be above competitive rates, and would permit competitors of Petitioners to gain an unfair competitive advantage in the marketplace:

   a. *Scheduled outages of generating capacity during the current year and the following four years.*

8. CG&E vigorously strives to maintain the confidentiality of this information. Further, this information is held to be confidential and proprietary throughout the electric industry for the reasons discussed herein.

9. The above information, if openly disclosed, would enable competitors in the wholesale power market to ascertain the manner in which Petitioners manage and operate their portfolio of generation assets.

A list of scheduled outages will provide power marketing competitors with knowledge that will allow them potentially to

manipulate the marketplace so as to unnecessarily cause consumers to pay more for electricity than they otherwise would. A list of scheduled outages of Petitioners' plants will grant competitors a distinct advantage in that they would be able to anticipate when Petitioners' plants would be down or otherwise constrained and where Petitioners may be long or short. With this information, a competitor could take actions that in the absence of this information it would not take. Such actions might include adjusting its prices, either to win contracts on which CG&E may also be bidding — business the competitors otherwise would not be in a position to win, or to set its prices artificially high to take advantage of an overall short market, the latter action obviously forcing consumers to pay higher prices for power.

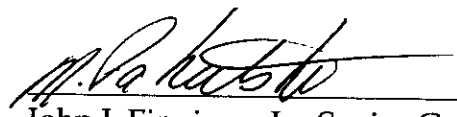
10. Pursuant to 807 KAR 5:001 Section 7, Petitioners have attached to this Petition, under seal, one complete copy of ULH&P's Responses to the Commission's Data Request, and ten copies of ULH&P's Responses to the Commission's Data Request with the confidential material omitted or otherwise redacted.

WHEREFORE, Petitioners respectfully request that the Commission:

1. Accept this Petition for filing;

2. Grant the information delineated herein confidential treatment in accordance with 807 KAR 5:001 Section 7 and KRS 61.870 *et seq.*

Respectfully submitted,



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Michael J. Pahutski, Counsel
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(513) 287- 3075
Fax (513) 287-3810

NOTICE OF FILING/ CERTIFICATE OF SERVICE

I hereby give notice that on this 28th day of February, 2004, I have filed with the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, 40601:

(a) An original and 10 true copies of a Joint Petition For The Confidential Treatment Of Certain Information Filed In Response To Commission's Order;

(b) An un-redacted original (filed under seal) and 10 redacted copies of The Union Light, Heat and Power Company's Responses to the Commission's Information Requests;

I further certify that on this 27th day of February, 2004, I have served a copy of the forgoing Joint Petition for Confidential Treatment and the non-confidential information by regular U.S. mail, postage prepaid, on the parties to this proceeding at the addresses indicated below.

Michael J. Pahutski
Counsel
The Union Light, Heat and Power Company

Iris Skidmore
Ronald P. Mills
Kentucky Natural Resources and Environmental Protection Cabinet
Office of Legal Services
Fifth Floor, Capital Plaza Tower
Frankfort, Kentucky 40601

Mr. Roy M. Palk
President/CEO
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
Winchester, KY 40392-0707

Mr. Ronald L. Willhite
Vice President, Regulatory Affairs
Kentucky Public Utilities Company
c/o Louisville Gas & Electric Co.
220 W. Main Street
Louisville, KY 40232

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Mr. Michael H. Core
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Frankfort, KY 40601

Jerry Deaton
Executive Director for MEPAK
110 A East Todd Street
Frankfort, KY 40601

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: December 20, 2001
Response Due Date: March 1, 2004

CO-DR-001

REQUEST:

1. Actual and weather-normalized energy sales for the just completed calendar year. Sales should be disaggregated into native load sales and off-system sales. Off-system sales should be further disaggregated into full requirements sales, firm capacity sales, and non-firm or economy energy sales. Off-system sales should be further disaggregated to identify separately all sales where the utility acts as a reseller, or transporter, in a power transaction between two or more other parties.

RESPONSE:

Actual and weather-normalized sales for 2003 are provided in the table below. ULH&P does not have any off-system sales.

The Union Light, Heat and Power Company
Electric Energy Sales - Mwh
2003

	Actual	Weather Normal
January	**346,380**	**338,343**
February	**309,617**	**290,956**
March	**296,326**	**289,919**
April	**270,226**	**273,893**
May	**275,977**	**276,687**
June	**301,167**	**323,379**
July	**367,453**	**379,963**
August	**384,693**	**404,843**
September	**296,309**	**293,722**
October	**285,532**	**288,756**
November	**268,930**	**270,582**
December	**327,756**	**327,812**
Total	**3,730,366**	**3,758,855**

WITNESS RESPONSIBLE: Donald J. Rottinghaus/Richard G. Stevie

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-002

REQUEST:

2. A summary of monthly power purchases for the just completed calendar year. Purchases should be disaggregated into firm capacity purchases required to serve native load, economy energy purchases, and purchases where the utility acts as a reseller, or transporter, in a power transaction between two or more other parties.

RESPONSE:

All of Union Light's power purchases for 2003 were firm capacity purchases to serve native load.

The Union Light, Heat and Power Company
Electric Power Purchases – MWh
Year 2003

January	**379,586**
February	**331,522**
March	**333,988**
April	**313,697**
May	**292,372**
June	**332,335**
July	**410,180**
August	**460,333**
September	**322,050**
October	**303,391**
November	**258,041**
December	**355,306**

WITNESS RESPONSIBLE: Donald J. Rottinghaus

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-003

REQUEST:

3. Actual and weather-normalized monthly coincident peak demands for the just completed calendar year. Demands should be disaggregated into (a) native load demand (firm and non-firm) and (b) off-system demand (firm and non-firm).

RESPONSE:

Actual and weather-normalized monthly coincident peak demands for 2003 are provided in the table below. ULH&P does not have any off-system sales.

The Union Light, Heat and Power Company
Electric Energy Demands - Mw
2003

	Actual	Weather Normal
January	**668**	**702**
February	**592**	**623**
March	**576**	**594**
April	**495**	**521**
May	**526**	**519**
June	**665**	**727**
July	**722**	**708**
August	**812**	**837**
September	**664**	**743**
October	**494**	**715**
November	**542**	**636**
December	**595**	**748**
Max	**812**	**837**

WITNESS RESPONSIBLE: Richard G. Stevie

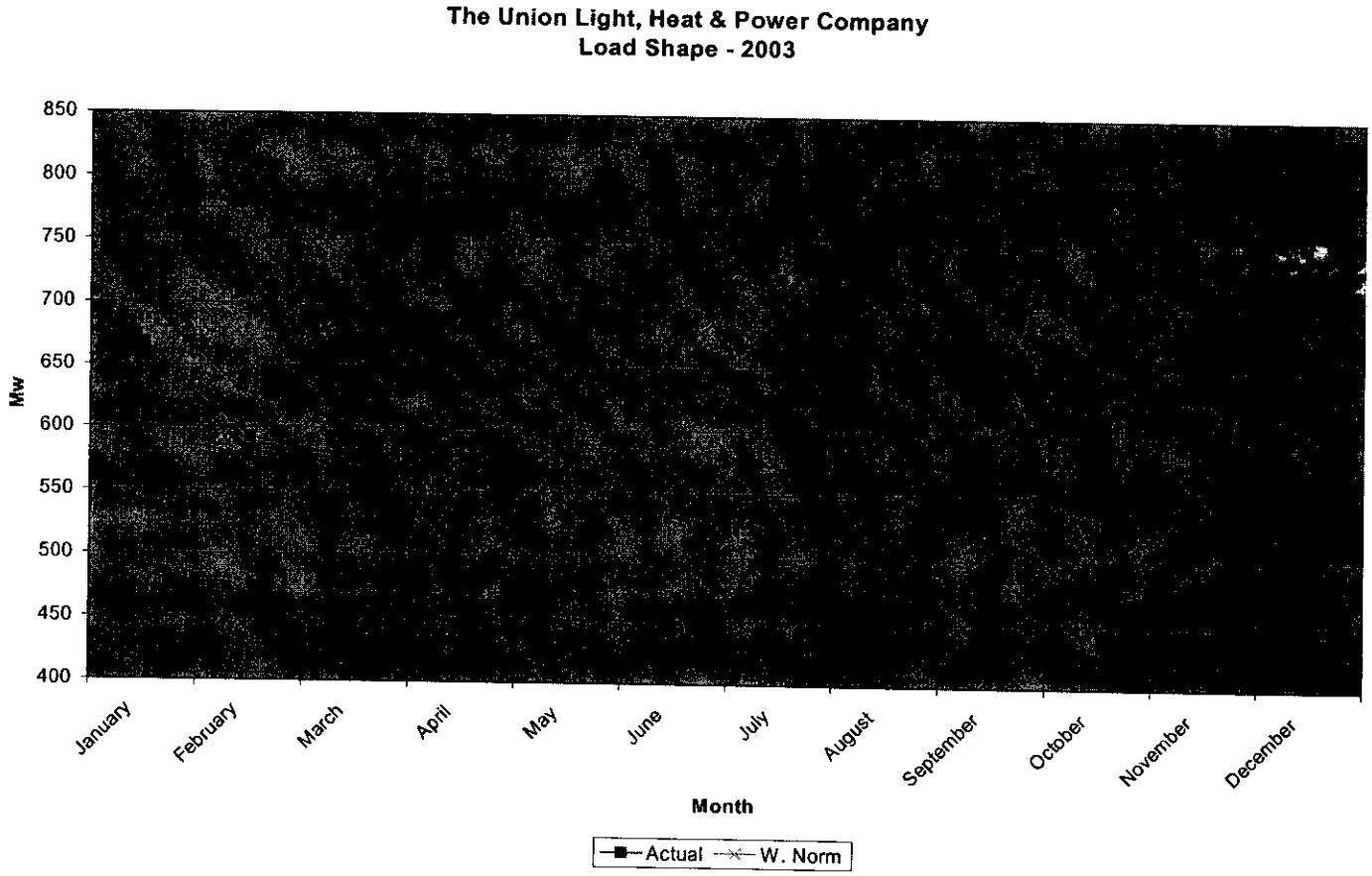
ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-004

REQUEST:

4. Load shape curves that show actual peak demands and weather-normalized peak demands (native load demand and total demand) on a monthly basis for the just completed calendar year.

RESPONSE:



WITNESS RESPONSIBLE: Richard G. Stevie

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-005

REQUEST:

5. Load shape curves showing the number of hours that native load demand exceeded these levels during the just completed calendar year: (1) 70% of the sum of installed generating capacity plus firm capacity purchases; (2) 80% of the sum of installed generating capacity plus firm capacity purchases; (3) 90% of the sum of installed generating capacity plus firm capacity purchases.

RESPONSE:

This request is inapplicable to ULH&P since ULH&P owns no generation.

WITNESS RESPONSIBLE: N/A

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-006

REQUEST:

6. Based on the most recent demand forecast, the base case demand and energy forecasts and high case demand and energy forecasts for the current year and the following four years. The information should be disaggregated into (a) native load (firm and non-firm demand) and (b) off-system load (both firm and non-firm demand).

RESPONSE:

The Union Light, Heat and Power Company
Electric Forecast

	Demand - Mw		Energy - Mwh	
	Base	High	Base	High
2003	848	850	3,907,910	3,920,665
2004	864	866	3,982,976	3,998,171
2005	879	883	4,065,712	4,087,582
2006	890	895	4,160,857	4,190,034
2007	905	911	4,246,751	4,285,503
2008	917	924	4,327,116	4,375,744

WITNESS RESPONSIBLE: Richard G. Stevie

REQUEST:

7. The target reserve margin currently used for planning purposes, stated as a percentage of demand. If changed from what was in use in 2001, include a detailed explanation for the change.

RESPONSE:

As a preliminary matter, on July 21, 2003, ULH&P filed a petition with the Kentucky Public Service Commission to obtain Certificates of Public Convenience and Necessity to acquire the East Bend, Miami Fort 6, and Woodsdale units (Case No. 2003-00252). ULH&P also requested approval of a Back-up Power Sales Agreement (PSA) for East Bend and Miami Fort 6. On December 5, 2003, the Kentucky Public Service Commission approved ULH&P's acquisition of the Plants and approved the Back-up PSA. Regulatory approvals are also required from the Federal Energy Regulatory Commission (FERC) and the Securities Exchange Commission (SEC). The transfer of the plants is expected to occur in mid-2004.

With regards to reserves, from a technical standpoint, reserves should be adequate for the security of operation, which considers a combination of weather-induced load, probability of units on outage, maintenance scheduling, and operating reserve obligations under the East Central Area Reliability Coordination Agreement (ECAR).

As explained in previous IRP filings since 1995, Cinergy and ULH&P have used a 17% planning reserve margin, along with loss of load hours (LOLH) and expected unserved energy (EUE) criteria to ensure that native load needs are met. In this IRP for the period after 2006, ULH&P's reserve margin criteria consist of a 15% reserve margin (as a minimum) along with the same LOLH and EUE criteria used in past IRPs.

Reserve margins are an obligation for a number of reasons. First, the reserve margin must cover Operating Reserves. The Operating Reserve is a requirement of both ECAR and NERC to ensure that the real time needs of the electric system are met. The requirement is:

- one (1) percent of the projected peak load as "Load and Frequency Regulation Reserve" – to provide "on-line" generation for load and frequency regulation
- one and one-half (1½) percent of the projected peak load as "Spinning Reserve" – which is required to be "on-line" and capable of being supplied within ten minutes, and
- one and one-half (1½) percent of the projected peak load as "Supplemental Reserve" – which is required to be capable of being supplied to the system within ten minutes from "on-line" or "off-line" resources.

The total Operating Reserve requirement is 4%.

Second, the reserve margin must cover a level of unscheduled outages that inevitably occur. Even the best-maintained generating system will experience unit outages and derates, and there is always the possibility that such an outage or outages will occur when the units are most needed. ULH&P believes that 8% is a reasonable expected margin for a normal level of outages and derates.

Third, there is always the possibility that that temperatures can be abnormal, that the actual load may be different from the projected load forecast due to changed economic conditions, or that the weather may be different from the temperature on which the load forecast was based (without being "extreme"). For example, ULH&P's load forecasting personnel estimate that a 1 degree increase in temperature can result in approximately a 1.1% increase in ULH&P's load to be served. Since extreme temperatures are not used as a basis for ULH&P's load forecast (ULH&P uses approximately 93 degrees in its forecast of peak demand), ULH&P considers a minimum of 3% reserve for weather-induced load to be appropriate. History shows that temperatures in Kentucky can get above 96 degrees on a hot summer day.

Taking these reserve considerations in the aggregate, ULH&P considers 15% to be a minimum reserve margin. However, ULH&P continues to examine the appropriate level of reserves to help control costs. Lower reserves may help restrain increases in base rates, but there are clearly limits to, and trade-offs for, any gains from lower reserves, as some past summers have taught us. For example, if using a reserve level that is too low causes a utility to increase its reliance on purchases from the spot market, customers incur additional costs. These costs can be substantial if the spot market price is experiencing a spike at the time purchases are made. If shortages in the wholesale market occur such that load must be curtailed, customers incur additional costs such as loss of production and inconvenience.

Because of the relatively small size of ULH&P's system, it was necessary to use a higher reserve margin to provide the same level of reliability that a 15% reserve margin provides to a larger system. Many utilities use reserve margin criteria that contain a component to cover the loss of the largest unit on the system. The East Bend and Miami Fort units have a back-up contract that essentially makes these units 100% reliable for ULH&P, so no outage-related reserve margin component is necessary for that portion of the load. However, the size of each of the Woodsdale units (83.4 MW) is slightly larger than the 70 MW that would allow the 8% outage component of the reserve margin criterion to cover the loss of the largest unit. Therefore, the criterion used for the outage component was the greater of the loss of largest unit (*i.e.*, 83.4 MW) or 8%. Of course, the ECAR Operating Reserve and weather-related components of the Reserve Margin criterion still apply. The result was that the criterion used in the 2003 IRP modeling was 16.7% in 2004, gradually decreasing as ULH&P's load grows (and the loss of the largest unit represents a smaller percentage of that load) to the minimum 15% level by 2018.

WITNESS RESPONSIBLE: Diane Jenner

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-008

REQUEST:

8. Projected reserve margins stated in megawatts and as a percentage of demand for the current year and the following 4 years. Identify projected deficits and current plans for addressing these. For each year identify the level of firm capacity purchases projected to meet native load demand.

RESPONSE:

Assuming that the acquisition of East Bend, Miami Fort 6, and Woodsdale 1-6 receive the remaining approvals required and the plants are transferred by 7/1/04, the projected reserve margins for ULH&P are shown below:

Year	Projected Reserves (MW)	Projected Reserve Margin (%)
2004	238	28.4
2005	213	24.8
2006	206	23.9
2007	193	21.9
2008	180	20.2

No firm capacity purchases are anticipated to meet native load demand.

If the plants are not transferred by 7/1/04, ULH&P will continue to take service under the existing full-requirements contract with CG&E.

WITNESS RESPONSIBLE: Diane Jenner

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-009

REQUEST:

9. By date and hour, identify all incidents during the just completed calendar year when reserve margin was less than the East Central Area Reliability Council's ("ECAR") 1.5% spinning reserve requirement. Include the amount of capacity resources that were available, the actual demand on the system, and the reserve margin, stated in megawatts and as a percentage of demand. Also identify system conditions at the time.

RESPONSE:

This request is inapplicable to ULH&P since ULH&P owns no generation.

WITNESS RESPONSIBLE: N/A

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-010

REQUEST:

10. A list identifying and describing all forced outages in excess of 2 hours in duration during the just completed calendar year.

RESPONSE:

This request is inapplicable to ULH&P since ULH&P owns no generation.

WITNESS RESPONSIBLE: N/A

REQUEST:

11. A list that identifies scheduled outages or retirements of generating capacity during the current year and the following four years.

RESPONSE:

CONFIDENTIAL AND PROPRIETARY TRADE SECRET INFORMATION

The requested information has been filed under seal.

WITNESS RESPONSIBLE: Diane Jenner

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-012

REQUEST:

12. Identify all planned base load or peaking capacity additions to meet native load requirements over the next 10 years. Show the expected in-service date, size and site for all planned additions. Include additions planned by the utility, as well as those by affiliates, if constructed in Kentucky or intended to meet load in Kentucky.

RESPONSE:

On July 21, 2003, ULH&P filed a petition with the Kentucky Public Service Commission to obtain Certificates of Public Convenience and Necessity to acquire the East Bend, Miami Fort 6, and Woodsdale units (Case No. 2003-00252). ULH&P also requested approval of a Back-up Power Sales Agreement (PSA) for East Bend and Miami Fort 6. On December 5, 2003, the Kentucky Public Service Commission approved ULH&P's acquisition of the Plants and approved the Back-up PSA. Regulatory approvals are also required from the Federal Energy Regulatory Commission (FERC) and the Securities Exchange Commission (SEC). The transfer of the plants is expected to occur in mid-2004.

The anticipated capacity additions are shown below:

Unit Name	In-Service Date	Summer Rating (MW)	Location
East Bend 2	7/1/04*	414**	BooneCounty, KY
Miami Fort 6	7/1/04*	163	North Bend, OH
Woodsdale 1	7/1/04*	83.4	Trenton, OH
Woodsdale 2	7/1/04*	83.4	Trenton, OH
Woodsdale 3	7/1/04*	83.4	Trenton, OH
Woodsdale 4	7/1/04*	83.4	Trenton, OH
Woodsdale 5	7/1/04*	83.4	Trenton, OH
Woodsdale 6	7/1/04*	83.4	Trenton, OH
PCFB 1	2013	70	Unknown

* Expected acquisition date
** Share of unit owned jointly with DP&L

WITNESS RESPONSIBLE: Diane Jenner

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-013

REQUEST:

13. The following transmission energy data for the just completed calendar year and the forecast for the current year and the following four years:
    a. Total energy received from all interconnections and generation sources connected to the transmission system.
    b. Total energy delivered to all interconnections on the transmission system.
    c. Peak load capacity of the transmission system.
    d. Peak demand for summer and winter seasons on the transmission system.

RESPONSE:

a: All of the energy requirements of ULH&P are provided through the connections with the CG&E 69 and 138 kV system. See response to Question 1 and 6 that relate to the actual and forecasted values for energy. ULH&P also has two interconnections at 69 kV with East Kentucky Power Cooperative (EKPC) but these were primarily built to provide alternative transmission sources to both ULH&P and EKPC to maintain reliable service to their customers in the immediate area of the interconnections. These interconnections are operated normally opened and are used only during emergency conditions (transmission outages).

b: Since ULH&P does not have any generation connected to its transmission system and since the transmission system is planned, designed and operated to primarily serve the area load, and since the two interconnections with EKPC are operated normally open, there is no energy delivered from ULH&P to the interconnections.

c: Neither Cinergy nor the electric utility industry has defined a term "peak load capacity of the transmission system". There is no single number that defines the capacity of a transmission system due to the interconnected nature of the electric grid. Cinergy does perform assessments of its transmission system to ensure all firm loads can be served in a reliable manner. This ensures that the transmission system has the "capacity" required to reliably serve the load.

d: See response to Item 6. Since ULH&P does not have any generation connected to its transmission system, the demand on the transmission system is equal to the ULH&P load requirements.

WITNESS RESPONSIBLE: Ronald Jackups

ULH&P ADMINISTRATIVE CASE NO. 387
Commission Order (12/20/01) – Data Request
Request Date: **December 20, 2001**
Response Due Date: **March 1, 2004**

CO-DR-014

REQUEST:

14. Identify all planned transmission capacity additions for the next 10 years. Include the expected in-service date, size and site for all planned additions and identify the transmission need each addition is intended to address.

RESPONSE:

The following is a current list of planned ULH&P transmission projects.

Description	***In Service Date***	***Comments***
Extend and Loop 69 kV circuit through new Oakbrook Substation	6-27-03(Completed)	For local load growth.
Reconductor sections of 69 kV circuit between Wilder and White Tower substations	6-01-04	For local load growth.
Loop 69 kV circuit through new Crittenden Substation	6-01-04	For local load growth.
Extend and Loop 69 kV circuit through new Mt. Zion Substation	6-01-05	For local load growth.
Extend and Loop 138 kV circuit through new Long Branch Substation	6-01-05	For local load growth.
Extend and Loop 138 kV and 69 kV circuits through new Ruark Substation	6-01-07	For local load growth.
Extend and Loop 138 kV circuit through rebuilt York Substation	6-01-05	For local load growth.

WITNESS RESPONSIBLE: Ronald Jackups/Ron Snead