



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

GREGORY, D. STUMBO
ATTORNEY GENERAL

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FRANKFORT, KY 40601-8204

FILE COPY

December 2, 2004
(502) 581-1087

Via facsimile

Mr. Sheryl G. Snyder
Mr. David S. Kaplan
Frost Brown Todd LLC
400 West Market Street, 32nd Floor
Louisville, KY 40202-3363

RECEIVED

DEC 06 2004

PUBLIC SERVICE
COMMISSION

Re: LG&E/KU Civil Subpoenas and Investigative Demands

Dear David and Sheryl:

In David's November 16 letter he indicate, to paraphrase your response, that all fields containing information related to an identified expense have been displayed and produced. I have found several fields that appear to have notations but can not find any corresponding document. For example page AGI-2074 shows a screen shot related to a 2/25/03 NARUC meeting and a web page dialog box corresponding to a "Misc Description" field. Page 2075 shows another web page dialog box corresponding to a second Misc Description field. However there is no Web Page dialog box for a third misc description field which appears to have text in it.

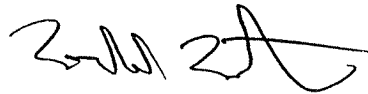
Similarly missing are web page dialog boxes for all expenses identified on pages 2076, 2078,2088, and 2089. I could not confirm that the information in these fields was produced elsewhere.

Please provide copies of all business related expense reports filed by or prepared by others for Mike Beer, John McCall and George Siemens for the time period January 1, 2002 through June 30, 2004. Although you have indicated that all fields containing information have been produced, we are requesting that all fields should be produced and logically associated by document production number with the expense to which they relate. The November 16 production was produced in nonsequential numbers which greatly complicates the review and document handling process. I note that the program appears to allow for the electronic filing of receipts for the expenses. Have the expense receipts been scanned and appended to these expense reports? None were provided in association with the expense reports, further complicating review and investigation.



We are also renewing our request that the reports be produced in their entirety without redactions. We feel strongly that we are entitled to review the expense reports of the identified individuals for the time period under investigation to identify any potential ex parte contacts. Judge Crittenden did not directly address the redaction issue, however we believe that his order authorizing the CID upon American Express and the review of all expenses therein, implicitly supports our request for unredacted records from a target of our investigation.

Sincerely,
GREGORY D. STUMBO
ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Todd E. Leatherman". The signature is stylized with a large initial "T" and a long, sweeping underline.

Todd E. Leatherman
Director, Consumer Protection Division

c: Pierce Whites

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of:

AN ADJUSTMENT OF THE GAS AND)
ELECTRIC RATES, TERMS, AND CONDITIONS) CASE NO.
OF LOUISVILLE GAS AND ELECTRIC) 2003-00433
COMPANY

AND

AN ADJUSTMENT OF THE ELECTRIC RATES,) CASE NO.
TERMS, AND CONDITIONS OF KENTUCKY) 2003-00434
UTILITIES COMPANY)

MOTION TO EXTEND DEADLINE FOR ATTORNEY GENERAL'S REPORT


Comes the Attorney General, Gregory D. Stumbo, by counsel and Moves the Commission to extend the December 17, 2004 deadline for the Attorney General to file his report on the investigation concerning ex parte contacts. In support of the motion, the Attorney General states as follows:

In its December 2, 2004 Order, the Commission ordered the Attorney General to file his report not later than December 17, 2004. The deadline does not provide sufficient time for the Attorney General to complete the investigation and submit a report. The Attorney General has received production of documents from LG&E sporadically over the last several weeks, following the Franklin Circuit Court's November 8, 2004 Order consisting of over 500 pages and a 101 page privilege log listing 430 items which were not produced under a claim of privilege. The Attorney General notified LG&E of questions regarding the completeness of LG&E's most recent production on December 2. The Attorney General has yet to receive a response to the issues raised in the letter which is attached hereto. In addition, the Attorney General began

receiving LG&E corporate credit card statements from American Express with 2000 pages of statements arriving by November 15 but with the bulk not able to be produced until later. This morning, December 6, 2004, nine boxes with between 15,000 and 20,000 pages of LG&E American Express credit card statements were received by the Attorney General's Office. The Attorney General's review of these statements, follow up investigation and investigative report cannot be completed by December 17. Accordingly, the Attorney General respectfully requests that the Commission modify its order to extend the Attorney General's deadline until six weeks after the final document production is made or January 31, 2005 whichever is later.


Respectfully submitted,

GREGORY D. STUMBO
ATTORNEY GENERAL

By: 
Pierce Whites, Deputy Attorney General
Janet Graham, Deputy Assistant Attorney General
Todd Leatherman, Assistant Attorney General
Office of the Attorney General
1024 Capital Center Drive
Suite 200
Frankfort, Kentucky 40601

CERTIFICATE OF SERVICE

The undersigned does hereby certify that the foregoing Motion to Extend Deadline was served upon the parties in the attached service list by first class mail on this the 6th day of December, 2004.


Assistant Attorney General