#### BOEHM, KURTZ & LOWRY ATTORNEYS AT LAW 36 EAST SEVENTH STREET SUITE 2110 CINCINNATI, OHIO 45202 TELEPHONE (513) 421-2255 TELECOPIER (513) 421-2764

DEC 232003

December 22, 2003

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

#### Re: <u>Case No. 2003-00434</u>

Dear Mr. Dorman:

Please find enclosed the original and twelve copies of the Petition to Intervene of Kentucky Industrial Utility Customers, Inc. filed in the above-referenced matter.

By copy of this letter, all parties listed on the attached Certificate of Service been served. Please place this document of file.

Very Truly Yours,

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Michael L. Kurtz, Esq. BOEHM, KURTZ & LOWRY

MLKkew Attachment

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Certificate of Service Richard Raff, Esq.

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy, by regular U.S. mail (unless otherwise noted) to all parties on the  $22^{nd}$  day of December, 2003.

Honorable Linda S. Portasik Senior Corporate Attorney Louisville Gas and Electric Company 220 W. Main Street P. O. Box 32010 Louisville, KY 40232-2010

Honorable Kendrick R. Riggs Ogden, Newell & Welch, PLLC 1700 Citizens Plaza 500 West Jefferson Street Louisville, KY 40202

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Michael L. Kurtz, Esq.

### COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In The Matter Of Adjustment of Gas and Electric Rates of Kentucky Utilities Company SION

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### PETITION TO INTERVENE KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.

Pursuant to K.R.S. §278.310 and 807 KAR 5:001 Section 3(8), Kentucky Industrial Utility Customers, Inc. ("KIUC") requests that it be granted full intervenor status in the above-captioned proceeding and states in support thereof as follows:

1. KIUC is an association of the largest electric and gas public utility customers in Kentucky. The purpose of KIUC is to represent the industrial viewpoint on energy and utility issues before this Commission and before all other appropriate governmental bodies. The members of KIUC who purchase electricity from Kentucky Utilities Company ("KU") and who will participate herein are: Bundy, Clopay Plastic Products Company, Dow Corning Corporation, Lexmark International, Square D Company, Toyota Motor Manufacturing, NA, and MeadWestvaco. KIUC will supplement its Petition with the names of additional participating members as this information becomes known.

2. The matters being decided by the Commission in this case may have a significant impact on the rates paid by KIUC for electricity. Electricity represents a significant cost of doing business for KIUC. The attorneys for KIUC authorized to represent them in this proceeding and to take service of all documents are:

> Michael L. Kurtz, Esq. BOEHM, KURTZ & LOWRY 36 East Seventh Street, Suite 2110 Cincinnati, Ohio 45202 Ph: (513) 421-2255, Fax: (513) 421-2764 E-Mail: <u>mkurtzlaw@aol.com</u>

3. The position of KIUC cannot be adequately represented by any existing party. KIUC intends to play a constructive role in the Commission's decision making process herein and KIUC's participation will not unduly prejudice any party.

WHEREFORE, KIUC requests that it be granted full intervenor status in the above captioned proceeding.

Respectfully submitted,

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Michael L. Kurtz, Esq. **BOEHM, KURTZ & LOWRY** 36 East Seventh Street, Suite 2110 Cincinnati, Ohio 45202 Ph: (513) 421-2255 Fax: (513) 421-2764 E-Mail: <u>mkurtzlaw@aol.com</u>

# COUNSEL FOR KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.

November 25, 2003