

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

In the Matter of:

JOINT APPLICATION OF )  
LOUISVILLE GAS AND ELECTRIC )  
COMPANY AND KENTUCKY UTILITES )  
COMPANY FOR THE CONSTRUCTION ) CASE NO.  
OF TRANSMISSION FACILITIES IN ) 2005-00467  
JEFFERSON, BULLITT, MEADE, AND )  
HARDIN COUNTIES, KENTUCKY )

JOINT APPLICATION OF )  
LOUISVILLE GAS AND ELECTRIC )  
COMPANY AND KENTUCKY UTILITIES )  
COMPANY FOR THE CONSTRUCTION ) CASE NO.  
OF ALTERNATIVE TRANSMISSION ) 2005-00472  
FACILITIES IN JEFFERSON, )  
BULLITT, MEADE, AND HARDIN )  
COUNTIES, KENTUCKY )

MOTION TO MAKE ENTIRE RECORD  
OF CASE NO. 2005-00142 PART OF CURRENT PROCEEDINGS

Come Intervenors, Dennis L. Cunningham and Cathy L. Cunningham, CDH Preserve, LLC, Lisa Harrison and Jennifer Hardin, by and through counsel, and MOVE the Public Service Commission ("PSC") to make the entire record of Case No. 2005-00142 part of the record in this proceeding, as follows:

1. The Joint Applicants, Louisville Gas and Electric Company and Kentucky Utilities ("LG&E/KU") and the Cunninghams, as Intervenors, were parties in Case No. 2005-00142. The Route #1, now before the PSC in Case No. 2005-467, is virtually identical to the route sought by LG&E/KU

in Case No 2005-00142, except for a small dogleg through the Cunningham property around their lake. The earlier proceeding is clearly relevant and material to this proceeding.

2. LG&E/KU has relied upon portions of the evidence introduced in the earlier case as direct testimony in this proceeding. See the December 22, 2005 prefiled testimony of Michael Toll, Manager of Transmission Planning and Substations for E.ON U.S. Services, Inc., which references portions of his testimony in the prior case, Case No. 2005-00142, in his discussion of need and asked that the System Impact Study, the Interconnection Study and the MISO Facility Study report be incorporated by reference in this case.

3. In other testimony offered by LG&E/KU reference is made to the prior case. See for example, Response to PSC Data Request, Question 15, Wolfram page 3.

4. The February 27, 2006 Liberty Report to the PSC likewise makes a number of references to the earlier Case No. 2005-0142. See Liberty (2/27/06) page I-1, I-2, I-3, II-10, II-11, II-12, III-1, III-2, III-3, III-4, and III-8.

5. In addition, in Case No. 2004-00507, on November 1, 2005, the PSC issued an order granting LGE/KU a certificate to construct the new power plant in Trimble County, referred to as "TC2" [See for example, Liberty (2/27/06),

Page I-2. In the PSC analysis, starting at page 6, the PSC recognizes the ongoing tension between the problem of building electrical power and, by implication, transmission facilities too early, before the need is established, and too late, after the need has been established. That order recognized that the Attorney General had argued that the evidence of need before the PSC established that no new capacity was needed until 2012 at the earliest. The PSC accepted the application of the Companies that the need for this additional capacity would occur in 2010. However, the PSC did not completely reject the concerns of the Attorney General. In that order, PSC directed the Companies, LG&E/KU, to monitor the accuracy of their forecasts and to report regularly to the PSC. By this monitoring, "the Companies can judge whether they may need to speed up, slow down or cancel construction before too much is invested in the project. Order, page 6.

6. The matter of need for and duplication of services is a matter of continuing jurisdiction of the PSC. The evidence before the PSC and the basis for that decision is of ongoing and continued relevance and materiality in subsequent proceedings involving the same or similar subject matters.

7. On the other hand, only incorporating bits and pieces of the earlier proceeding creates a risk of providing

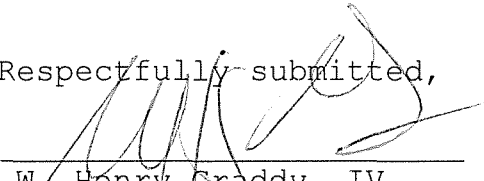
incomplete and misleading information, a risk that is cured by including by reference all of the evidence introduced and all pleadings filed in Case No. 2005-000142 in this proceeding, as pleadings and evidence incorporated herein by reference.

8. The entire record of Case No. 2005-00142 is already entered electronically and would not create more work for the Public Service Commission.

9. Further, Intervenors request that witnesses offered for direct testimony in the above stated case may be cross examined concerning their testimony in Case No. 2005-00142.

**WHEREFORE**, Intervenors, Dennis L. and Cathy L. Cunningham, CDH Preserve, LLC, Lisa Harrison and Jennifer Hardin, move the Public Service Commission to allow the entire file of record for Case No. 2005-00142 to be made part of this proceeding.

Respectfully submitted,



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W. Henry Graddy, IV  
W. H. Graddy & Associates  
103 Railroad Street  
P.O. Box 4307  
Midway, KY 40347

AND

Hon. Bob Griffith  
Stites & Harbison  
400 West Main Street  
Suite 1800  
Louisville, KY 40202

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing was duly served by first class mailing and postage prepaid to the following:

Elizabeth O'Donnell  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602

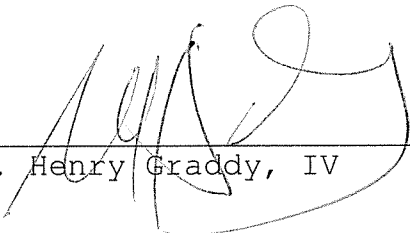
Hon. A. W. Turner  
Public Service Commission  
211 Sower Boulevard  
PO Box 615  
Frankfort, KY 40602

Hon. J. Gregory Cornett  
Stoll, Keenon, Ogden  
1700 PNC Plaza  
500 West Jefferson  
Louisville, Kentucky 40202-2874

Hon. Robert M. Watt, III  
Hon. Lindsey W. Ingram, III  
Stoll, Keenon, Ogden  
300 West Vine Street, 2100  
Lexington, Kentucky 40507

Hon. Elizabeth L. Cocanougher  
Senior Regulatory Counsel  
Louisville Gas and Electric Co.  
220 West Main Street  
P.O.Box 32010  
Louisville, Kentucky 40232

This the 24th day of March, 2006.

  
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W. Henry Graddy, IV