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October 18, 2006

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OCT 18 2006

**PUBLIC SERVICE
COMMISSION**

VIA HAND DELIVERY

Elizabeth O'Donnell
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

**Re: In the Matter of Cumberland Valley Electric, Inc. v. Kentucky Utilities
Company
Case No. 2006-00148
Our File No.: 400001/122720**

Dear Ms. O'Donnell:

Enclosed please find and accept for filing the original and ten (10) copies of Kentucky Utilities Company's Data and Document Requests to Cumberland Valley Electric, Inc. in the above-referenced matter. Please confirm your receipt of this filing by placing the stamp of your Office with the date received on the two additional copies provided and return them to me.

Should you have any questions or need any additional information, please contact me at your convenience.

Very truly yours,


J. Gregory Cornett

JGC/cja
Enclosures
cc: Parties of Record

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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OCT 18 2006

PUBLIC SERVICE
COMMISSION

In the Matter of:

CUMBERLAND VALLEY ELECTRIC, INC.)

COMPLAINANT)

v.)

KENTUCKY UTILITIES COMPANY)

DEFENDANT)

CASE NO. 2006-00148

**KENTUCKY UTILITIES COMPANY'S DATA AND DOCUMENT
REQUESTS TO CUMBERLAND VALLEY ELECTRIC, INC.**

Kentucky Utilities Company ("KU") submits these requests for information and documents to Cumberland Valley Electric, Inc. ("CVE"). As used herein, "documents" include all correspondence, memoranda, e-mail, computer data or records, notes, maps, drawing, surveys or other written or electronically recorded materials, whether external or internal, whether currently existing on paper or on hard drive, disk or other electronic storage, of every kind or description, in the possession of or accessible to CVE, its witnesses or its counsel.

These requests shall be deemed continuing so as to require further and supplemental responses if CVE receives or generates additional information within the scope of these requests between the time of the response and the time of any hearing herein.

If any request is considered or claimed to be vague, unclear or confusing in any way, CVE is directed to contact counsel for KU for further explanation or discussion before merely objecting to the request on said grounds. To the extent that CVE disagrees with or objects to any of the definitions set forth above or the requests set forth below, CVE is requested to state such

objection, including the full grounds therefor, but to nonetheless proceed to fully respond to the following requests.

1. Has CVE received any request to serve the mining operations (as opposed to the water pump) at Stillhouse Mine No. 2 (“Stillhouse #2”)? If so, state the date of such request, the name and title of the person making the request, and produce a copy of any document containing or providing evidence of said request.

ANSWER:

2. Has CVE at any time provided any electric service to any electric consuming facility (“ECF”), as defined by KRS 278.010(8), located in Harlan County on any part of the U.S. Steel property described in the testimony of Richard Matda? If so, please describe the location and nature of each such service and the name(s) of the customer(s) served, state when such service was commenced and when it was last active, and provide billing records, service contracts and any maps or other documents which provide documentary evidence of such service.

ANSWER:

3. Has CVE at any time provided any electric service to any ECF located within the reserve area bounded in red on Exhibit Matda-1? If so, please describe the location and nature of each such service and the name(s) of the customer(s) served, state when such service was commenced and when it was last active, and provide billing records, service contracts and any maps or other documents which provide evidence of such service.

ANSWER:

4. With regard to each past CVE service referenced at page 11, line 12-19 of Mr. Willhite's initial testimony herein, provide all billing records, service contracts and any maps or other documents which provide evidence of the first date of such service. In addition, state the dates on which each such service terminated.

ANSWER:

5. What rate would apply to CVE's service to Stillhouse #2, if awarded service? Please produce a copy of the applicable tariff(s) for such service. Does or would CVE contend that it could offer rates to Stillhouse #2 under a special contract or other arrangement different from the applicable tariff? If the answer is yes, please explain the basis for such contention, and produce a copy of such contract.

ANSWER:

6. State the capacity (MVA) and age of the CVE Chad substation. What is the peak load (KVA), and power factor at peak, of said substation during the last twelve months? Is this peak for summer or winter? What is the peak load (amps per phase) (summer and winter) of each circuit served by said substation? Does the circuit proposed by CVE to provide service to Stillhouse #2 have the capability to be fed by any substation other than the CVE Chad substation? If so, identify each such substation and provide the information requested herein for each such additional substation.

ANSWER:

7. What is the name plate information or rating (voltage, size, date of manufacture, etc.) of the substation transformer(s) that would be used by CVE to serve Stillhouse #2, if awarded service?

ANSWER:

8. Please provide outage history (SAIFI, SAIDI, CAIFI, CAIDI and ASAI) for each of the past 5 years for the existing feed and the alternate feed, if any, for the circuit that would be used by CVE to serve Stillhouse #2, if awarded service. In addition, provide all other existing or available outage and/or reliability data, history, figures or information for each and every one of the past 5 years for the existing feed and the alternate feed, if any, for the circuit that would be used to serve Stillhouse #2, if awarded service. If CVE contends that no such information as requested herein is available, explain in specific detail why it is not available or able to be calculated or gathered and provided.

ANSWER:

9. Describe the over current and fault protection coordination on the circuit that would be used by CVE to serve Stillhouse #2, if awarded service.

ANSWER:

10. Please state CVE's understanding of the anticipated initial load and peak demand of Stillhouse #2. If that initial demand increased by 25%, what circuitry improvements would be needed for CVE to serve the load?

ANSWER:

11. State specifically what facilities and/or equipment CVE would have to construct, put in service or make improvements or additions to (including but not limited to distribution lines or transformers and the quantity of each, or improvements to the existing substation(s)) in order to provide adequate service to Stillhouse #2 if awarded such? State the estimated cost of such facilities, equipment, improvements or additions. Indicate the route which CVE would propose to take, or the location which it would propose to use, to construct or locate such facilities, equipment, improvements or additions. Produce any maps or drawings showing or indicating such proposed route(s) or location(s), and all documents supporting this response. Provide detailed cost estimates for all work listed in the response to this request, and produce all documents supporting those estimates. Do the cost estimates provided include costs for right-of-way acquisition and clearing?

ANSWER:

12. Has CVE obtained easements for any of the facilities set forth in the preceding answer? If so, produce a copy of each such easement. If not, state why not, identify the nature

and extent of the easement(s) that would be required, and identify the property owner(s) from whom an easement would be required.

ANSWER:

13. Has CVE obtained easements for its line used to provide service to the water pump at Stillhouse #2? If so, produce a copy of each such easement. If not, state why not.

ANSWER:

14. With regard to CVE's "relocated and modernized" three phase facilities referenced on page 12, lines 10-12 of Mr. Willhite's initial testimony:

(a) state the date on which construction of such facilities was completed

(b) state in detail the reason that such facilities were "relocated and modernized" and produce all documents which discuss or in any way involve the need or reason for "relocating and modernizing" such facilities

(c) state the distance between said facilities and the original three-phase line that was constructed in 1949

(d) state in detail why the original three phase line, built in 1949, was inadequate to meet the needs of CVE's customers, and why such line could not be upgraded in its existing location in lieu of constructing an entirely new line as was done by CVE

(e) provide the existing capacity and loading of the original three phase line as of the date on which the “relocated and modernized” facilities were constructed

(f) provide the cost of construction for the “relocated and modernized” facilities

(g) state whether the “relocated and modernized” facilities were constructed by CVE or by a contractor, and if by a contractor, identify by name and address such contractor

(h) how many CVE customers are served by the “relocated and modernized” facilities

(i) how many CVE customers were served by the original three phase line, built in 1949, as of the day before the “relocated and modernized” facilities were energized

(j) is the original three phase line still in existence? If so, state in detail why it is still in existence, whether it is energized, and whether it serves any customers. If it does serve any customers, provide the number of customers served and the address for each.

15. What does CVE contend is the definition of an “electric consuming facility”? Please provide all facts and legal citations supporting that definition.

ANSWER:

16. Does CVE contend that KU is incapable of continuing to provide adequate and dependable service to BMR for its (or its affiliates’) mining operations in Harlan County, including Stillhouse #2, through use of its existing Lynch substation? If so, state in specific detail each and every fact upon which CVE bases that contention, and provide all documents supporting that contention.

ANSWER:

17. Produce all documents or exhibits which you intend to offer as exhibits, or use for any evidentiary, testamentary, demonstrative or illustrative purpose, during the scheduled hearing in this matter.

ANSWER:

18. Does CVE disagree, in any way, with KU's contention that BMR would save approximately \$41,000 annually by receiving electric service from KU versus CVE for the Stillhouse #2 operations? If so, state in detail the basis for that disagreement, and produce all documents supporting that position and provide a calculation of the differential which you contend would exist for service to Stillhouse #2 under the filed tariffs of KU and CVE.

ANSWER:

19. Does CVE disagree, in any way, with Mr. Matda's recitation of the history of ownership of the U.S. Steel property or the customer-owned facilities, as set forth in his testimony? If so, state in detail the basis for that disagreement, and produce all documents supporting that position.

ANSWER:

20. Has CVE, at any time within the last seven (7) years, extended service to an ECF located partly within the service territories of both KU and CVE without the express approval of

the Public Service Commission or the written agreement of KU? If so, please state the name and address of each such customer and the date on which service was first extended by CVE.

ANSWER:

21. Has CVE, at any time provided service to an ECF at a point of delivery from which power was then transmitted or distributed further by use of customer-owned or controlled facilities? If so, identify the ECF so served, provide the dates on which service commenced and on which service terminated (if it is no longer active), and state whether any part of said customer-owned facilities transmitted or distributed power for use in whole or in part (no matter how small the part) outside the certified territory of CVE.

ANSWER:

22. List, by case name, number and jurisdiction, each matter in which Ron Willhite has offered testimony concerning a territorial boundary dispute between two or more utilities. Provide the date(s) on which each such testimony was filed or given, the manner in which such testimony was offered (in writing, orally, or both), and provide copies of all such testimony.

ANSWER:

23. Produce a copy of the testimony of Witness Palmer referred to by Mr. Willhite in his initial direct testimony at page 9, lines 15-19.

ANSWER:

24. Did Mr. Willhite retain or take with him copies of any documents contained in KU's files in any way regarding or relating to territorial boundary issues or disputes when he left KU? If so, please identify all such documents and produce copies of same.

ANSWER:

25. Does CVE contend that, if the Commission considers the BMR-owned lines and facilities in analyzing the criteria set forth in KRS 278.017(3), CVE is still entitled under controlling law to serve Stillhouse #2? If so, state in detail the factual and legal basis for that contention.

ANSWER:

26. Please state the exact manner in which Mr. Willhite is being compensated for his work as a consultant in this matter (by the hour, on a contingency basis, or by some other mechanism). If on an hourly basis, state the amount per hour that Mr. Willhite is being paid. If on some other basis, state with specificity the terms on which payment is being or is to be made.

Produce a copy of any agreement between CVE or its counsel and Mr. Willhite regarding the provision of services as a consultant.

ANSWER:

27. Is it Mr. Willhite's or CVE's position, as set forth on page 9, line 12 of Mr. Willhite's initial testimony, that Stillhouse Mines No. 1 **and** 2 constitute a **single** ECF? If so, please state in detail both the factual and legal basis for that contention.

ANSWER:

28. Does CVE or Mr. Willhite contend that any of the maps submitted as exhibits to the testimony of Lonnie Bellar or Richard Matda are incorrect in any way? If so, state in detail each item which CVE or MR. Willhite contends is incorrect, and state in detail both the factual and legal basis for that contention.

ANSWER:

29. Does CVE disagree with Lonnie Bellar's direct testimony regarding the capability of CVE's existing facilities to provide adequate, dependable service to Stillhouse #2, as set forth at page 4, lines 2-6 of his testimony? If so, state in detail the nature of such disagreement and the factual and legal basis supporting such disagreement.


ANSWER:

30. Other than service to the water pump near Stillhouse #2, has CVE in the past served, or is CVE now serving, Black Mountain Resources LLC or any subsidiary or affiliate company or entity? If so, identify the location at which service was or is provided, the nature of the service (the voltage at which service is rendered and the type of operation(s) being served), the manner in which service is provided, the name of the account holder, and the dates on which service was commenced and on which it ended (if it is no longer active).

ANSWER:

31. Produce all documents which support any and all of your responses to the foregoing requests, to the extent not otherwise requested.

ANSWER:



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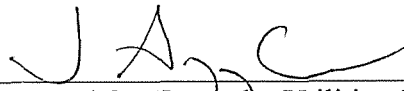
CERTIFICATE OF SERVICE

It is certified that a true and correct copy of the foregoing was served via U. S. Mail, postage prepaid, this 18th day of October, 2006 upon:

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