



DUKE ENERGY CORPORATION  
139 East Fourth Street  
P.O. Box 960  
Cincinnati, OH 45201-0960  
Telephone: (513) 419-1810  
Facsimile: (513) 419-1846

Amy B. Spiller  
Associate General Counsel  
Duke Energy Shared Services, Inc.  
E-mail: Amy.Spiller@duke-energy.com

**VIA OVERNIGHT DELIVERY**

June 27, 2008

**RECEIVED**

**JUN 30 2008**

**PUBLIC SERVICE  
COMMISSION**

Ms. Stephanie Stumbo  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602-0615

Re: In the Matter of Kenneth Gerwe v. Duke Energy Kentucky, Inc.  
Case No. 2008-00198

Dear Ms. Stumbo:

Enclosed please find an original and twelve copies of the First Set of Interrogatories, Request for Production of Documents and Requests for Admission of Duke Energy Kentucky, Inc. to the Complainant Kenneth Gerwe in the above captioned case.

Please date-stamp the extra two copies and return them to me in the enclosed envelope.

Sincerely,

Amy B. Spiller  
Associate General Counsel

ABS/bsc  
Enclosure

cc: Kenneth Gerwe

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of: )  
 )  
Kenneth Gerwe, )  
 )  
Complainant )  
 )  
v. )  
 )  
Duke Energy Kentucky, Inc., )  
 )  
Respondent. )

Case No. 2008-00198

**RECEIVED**  
JUN 30 2008  
PUBLIC SERVICE  
COMMISSION

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**DUKE ENERGY KENTUCKY, INC.'S FIRST SET OF INTERROGATORIES,  
REQUEST FOR PRODUCTION OF DOCUMENTS, AND REQUESTS FOR  
ADMISSION PROPOUNDED TO COMPLAINANT KENNETH GERWE**

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Now comes Respondent Duke Energy Kentucky, Inc., and addresses the following First Set of Interrogatories, Request for Production of Documents, and Requests for Admission to Complainant Kenneth Gerwe. Pursuant to the Commission's June 19, 2008 Order, Complainant's responses are due no later than July 14, 2008.

**I. DEFINITIONS AND INSTRUCTIONS**

1. With respect to each discovery request, all information is to be divulged which is within the knowledge, possession or control of the parties to whom it is addressed, including their agents, employees, attorneys and/or investigators.
2. Where an interrogatory calls for an answer in more than one part, each part should be separated in the answer so that the answer is clearly understandable.
3. All answers must be separately and fully stated in writing under oath.
4. For purpose of these discovery requests, the following terms shall have meanings set forth below:
  - (a) As used herein, "document", "documentation" and/or "record", whether stated as the singular or the plural, means any course of binders, book, pamphlet, periodical, letter, correspondence, memoranda, including but not limited to, any memorandum or report of a meeting or telephone or other conversation, invoice, account, credit memo, debit memo, financial statement, general ledger, ledger, journal, work papers, account work papers, report, diary, telegram, record, contract, agreement, study, draft, telex, handwritten or other note, sketch, picture,

photograph, plan, chart, paper, graph, index, tape, data processing card, data processing disc, data cells or sheet, check acceptance draft, e-mail, studies, analyses, contracts, estimates, summaries, statistical statements, analytical records, reports and/or summaries of investigations, opinions or reports of consultants, opinions or reports of accountants, trade letters, comparisons, brochures, pamphlets, circulars, bulletins, notices, forecasts, electronic communication, printouts, all other data compilations from which information can be obtained (translated if necessary by defendants into usable form), any preliminary versions, drafts or revisions of any of the foregoing, and/or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced and regardless of origin or location, in the possession, custody and/or control of the defendant and/or their agents, accountants, employees, representatives and/or attorneys. "Document" and "record" also mean all copies of documents by whatever means made, if the copy bears any other markings or notations not found on the original.

(b) The terms "relating to", "referring to", "referred to", "pertaining to", "pertained to" and "relates to" means referring to, reporting, embodying, establishing, evidencing, comprising, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, presenting and/or constituting and/or in any way involving.

(c) The terms "and", "or", and "and/or" within the meaning of this document shall include each other and shall be both inclusive and disjunctive and shall be construed to require production of all documents, as above-described, in the broadest possible fashion and manner.

(d) The term "Complainant" shall mean Kenneth Gerwe. The term "Complainant" shall also include, but is not limited to, each and every agent, employee, servant, insurer and/or attorney of the Complainant. The term "you" shall be deemed to refer to Complainant.

(e) The term "Respondent" shall mean Duke Energy Kentucky, Inc., its subsidiaries, principals and employees, agents, officers, directors and representatives.

(f) The term "appliance" shall mean any and all natural gas consuming equipment, including but not limited to, furnaces, water heaters, hot water tanks, stoves, clothes washers, dryers, grills, and fireplaces, located at 4859 Saddleridge Ct. Independence, KY 45202, which receives natural gas supplied by Duke Energy Kentucky, Inc.

To "identify" shall mean:

5. With respect to a document, to state its date, its author, its type (for example, letter, memorandum, chart, photograph, sound reproduction, etc.), its subject matter, its

present location and the name of its present custodian. The document may be produced in lieu of supplying the foregoing information. For each document which contains information as privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.

6. With regard to a natural person, to state his or her full name, last known employer or business affiliation, title and last known home address.

7. With regard to a person other than a natural person, state the title of that person, any trade name, or corporate name or partnership name used by that person, and the principal business address of that person.

8. To “produce” or to “identify and produce”, shall mean that Complainant shall produce each document or other requested tangible thing. For each tangible thing which Complainant contends are privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.

9. The term “incident” or “incidents” shall be deemed to refer to the incident or incidents described in the filing as alleged in Complainant’s Complaint.

#### INTERROGATORY NO. 1

State your full name, present address, phone number, as well as the name, address, phone number, title or position of each and every person who assisted you in providing responses to the following discovery requests. For each person other than Complainant identified in response to this Interrogatory, please indicate the discovery requests for which they provided information.

ANSWER:

INTERROGATORY NO. 2

Please state whether you, any family member, or any non-family member residing at 4859 Saddleridge Ct., Independence, KY 41051 in the last 24 months has worked in the natural gas or metering industry. If the answer is yes, please identify the person by name and state what type of utility, years of employment, and the name of that utility.

ANSWER:

INTERROGATORY NO. 3

Please identify by name, age and period of residence, each person now residing at 4859 Saddleridge Ct., Independence, KY 41051, or who has resided at the aforementioned address in the last 24 months.

ANSWER:

INTERROGATORY NO. 4

Please state whether you or anyone residing at 4859 Saddleridge Ct., Independence Ky 41051 in the last 24 months, has worked for a plumber or had any training as a plumber. If the answer is in the affirmative, please identify the person(s) and describe such training or experience.

ANSWER:

INTERROGATORY NO. 5

Please identify by name, every high school, college, and/or university that you have attended and/or from which you graduated, degrees obtained, as well as the year of graduation from such institutions.

ANSWER:

INTERROGATORY NO. 6

Other than that stated in the response to Interrogatory No.5, have you received any formal continuing education, certification or training in any field, including but not limited to, anything related to gas distribution engineering, gas transmission engineering, and natural gas engineering? If your response is in the affirmative, please identify and describe your continuing education, certification, or training, including but not limited to, courses taken, dates, and institution that provided such courses.

ANSWER:

INTERROGATORY NO. 7

Please list and describe all certifications and licensures you currently maintain and the dates on which those certifications or licensures were initially issued and last renewed.

ANSWER:

INTERROGATORY NO. 8

Please identify and describe any and all evidence that you intend to offer at any hearing or trial of this matter to prove the allegations raised in your complaint.

ANSWER:

INTERROGATORY NO. 9

Please identify by name and address, each witness, including any experts, you intend to call to testify on your behalf at any hearing or trial of this matter.

ANSWER:



INTERROGATORY NO. 10

Please state the subject matter of the testimony and/or opinions of each witness identified in your response to Interrogatory No. 9.

ANSWER:

INTERROGATORY NO. 11

Please identify by name, manufacturer, model number, efficiency rating, years purchased and installed, each and every natural gas consuming appliance, (*e.g.* furnace, hot water heater, clothes dryer, stove, grills, fireplaces, etc.,) located at 4859 Saddleridge Ct., Independence, KY 41051 between August 1, 2007 and May 30, 2008.

ANSWER:

INTERROGATORY NO. 12

Have you replaced any natural gas consuming appliance at 4859 Saddleridge Ct., Independence, KY 41051 within the past 24 months? If your response is in the affirmative, please identify the appliance that was replaced, date of replacement, by whom the appliance was replaced and the name, model, manufacturer, and efficiency rating the new appliance/equipment that was installed.

ANSWER:

INTERROGATORY NO. 13

Please identify, by name and job title, the employee of Duke Energy Ohio, Inc. from whom you learned about modules and associated serial numbers as set forth in your letter of May 27, 2008, to the Public Service Commission.

ANSWER:

INTERROGATORY NO. 14

Please state the square footage of the property located at 4859 Saddleridge Ct., Independence, KY 41051.

ANSWER:

INTERROGATORY NO. 15

Please describe the circumstances under which you had access to wood, as set forth in your letter of May 27, 2008, to the Public Service Commission, further identifying by name and address all sources from which you purchased or otherwise secured wood.

ANSWER:

REQUEST FOR PRODUCTION NO. 1

Please provide copies of any and all exhibits, including but not limited to charts, photographs, documents, testimony, invoices, and correspondence, you intend to file and/or use as evidence in any hearing or trial of this matter.

ANSWER:

REQUEST FOR PRODUCTION NO. 2

Please provide any and all receipts from the vendor(s) named in Interrogatory Nos. 11 and 12.

ANSWER:

REQUEST FOR PRODUCTION NO. 3

Please provide copies of any and all manuals, receipts of purchase, maintenance records or other documentation for the all natural gas consuming appliances located at 4859 Saddleridge Ct., Independence, KY 41051 between August 1, 2007 and May 30, 2008.

ANSWER:

REQUEST FOR PRODUCTION NO. 4

Please provide copies of all educational or training materials or literature that you received through any formal education, certification, or training as described in response to Interrogatory No. 6 above.

ANSWER:

REQUEST FOR PRODUCTION NO. 5

Please provide copies of any and all certifications or licensures identified in response to Interrogatory No. 7 above.

ANSWER:

REQUEST FOR ADMISSION NO. 1

Please admit that you have received natural gas service from Duke Energy Kentucky, Inc. for the property located at 4859 Saddleridge Ct., Independence, KY 41051 for at least the past 24 consecutive months.

ANSWER:

REQUEST FOR ADMISSION NO. 2

Please admit that between September 1, 2007, and January 1, 2008, you operated natural gas consuming appliances at the property located at 4859 Saddleridge Ct., Independence, KY 41051.

ANSWER:

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.



Amy B. Spiller (85609)

Associate General Counsel

Duke Energy Kentucky, Inc.

139 East Fourth Street, Rm 25 ATII

Cincinnati, Ohio 45201-0960

Phone: (513) 419-1810

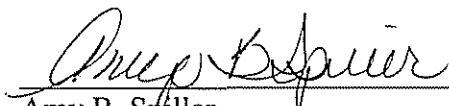
Fax: (513) 419-1846

e-mail:amy.spiller@duke-energy.com

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Interrogatories, Request for Production of Documents, and Requests for Admission have been served via overnight mail to the following party on this 27<sup>th</sup> day of June, 2008:

Kenneth Gerwe  
4859 Saddleridge Ct.  
Independence, KY 41051

  
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Amy B. Spiller