

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED  
MAR 24 2010  
PUBLIC SERVICE  
COMMISSION

In the Matter of:

Application of Louisville Gas and Electric  
Company for an Adjustment of Electric  
and Gas Base Rates

Case No. 2009-00549

**Reply to the Joint Response of Kentucky Utilities and Louisville Gas and  
Electric Company to TW Telecom's Motion for Full Intervention**

For its reply to the Joint Response of Kentucky Utilities Company and Louisville Gas and Electric Company ("the Applicants") to its Motion for Full Intervention, TW Telecom of Kentucky, LLC ("TWTC") states as follows:

1. TWTC attaches its facilities to poles of, and is charged by, each Applicant. It is a customer of the Applicants.

2. Language changes proposed by the Applicants to their respective pole-attachment tariffs eliminate the restriction to cable television system operators from the "Availability of Service" provision. *Compare*

Available to any established and properly franchised cable television system (herein called Customer) who applies for the right to make cable attachments to Company's poles in accordance with the terms and conditions herein set forth.

LG&E Tariff, PSC Electric No. 7, Original Sheet No. 40, *with*

Where Company is willing to permit the attachments of cables, wires and appliances to its poles where, in Company's judgment, such attachments will not interfere with its electric service requirements and other prior licensees using Company's poles.

LG&E proposed Tariff, PSC Electric No. 8, Original Sheet No. 40. By the proposed language, the tariffed service (including the per-year attachment charge) would be available to those like TWTC — who attach "cables, wires and appliances" like those of a cable television system operator.

3. If, despite the proposed language change, the Applicants are not willing to provide pole attachment service under the tariff to TWTC and others whose use is similar to that of a cable television system operator, then maintenance of that unreasonable distinction is an issue in this proceeding in which TWTC has a special interest not otherwise adequately represented.

WHEREFORE, TWTC respectfully requests full intervention in this proceeding.

Respectfully submitted,



Katherine K. Yunker  
YUNKER & PARK PLC  
P.O. Box 21784  
Lexington, KY 40522-1784  
(859) 255-0629

ATTORNEY FOR TW TELECOM OF  
KENTUCKY, LLC

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this the 23rd day of March 2010, the original and ten (10) copies of the foregoing were sent via U.S. Mail, first-class and postage prepaid, to the Commission for filing, and a copy was served, by the same means, on each person at the address shown on the attached Service List.



Attorney for TW Telecom of Kentucky, LLC

SERVICE LIST  
Ky. PSC Case No. 2009-00549

Lonnie E. Bellar, Vice President  
E.ON U.S. LLC  
220 West Main Street  
Louisville, KY 40202

Frank F. Chuppe  
WYATT, TARRANT & COMBS, LLP  
500 West Jefferson Street, Suite 2800  
Louisville, KY 40202-2898

Robert A. Ganton  
Regulatory Law Office  
U.S. ARMY LEGAL SERVICES AGENCY  
901 North Stuart Street, Suite 525  
Arlington, VA 22203-1821

Gardner F. Gillespie  
HOGAN & HARTSON, L.L.P.  
555 Thirteenth Street, N.W.  
Washington, DC 20004-1109

Allyson K. Sturgeon  
Senior Corporate Attorney  
E.ON U.S. LLC  
220 West Main Street  
Louisville, KY 40202

Michael L. Kurtz  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street; Suite 1510  
Cincinnati, OH 45202

David Brown  
STITES & HARBISON, PLLC  
1800 Providian Center  
400 West Market Street  
Louisville, KY 40202

Steven A. Edwards  
OFFICE OF THE STAFF JUDGE ADVOCATE  
1320 Third Avenue, Room 215  
Fort Knox, KY 40121-5000

Dennis G. Howard II  
Assistant Attorney General  
OFFICE OF THE ATTORNEY GENERAL  
Utility & Rate Intervention Division  
1024 Capital Center Drive; Suite 200  
Frankfort, KY 40601-8204

Lisa Kilkelly  
LEGAL AID SOCIETY  
416 West Muhammad Ali Blvd; Suite 300  
Louisville, KY 40202

Kendrick R. Riggs  
STOLL KEENON OGDEN, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KY 40202-2828

Robert M. Watt, III  
STOLL KEENON OGDEN, PLLC  
300 West Vine Street; Suite 2100  
Lexington, KY 40507-1801