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Commonwealth of Kentucky Before the Public Service Commission JUL 29 2010

PUBLIC SERVICE COMMISSION

In the Matter of:

An Investigation of Natural Gas Retail Competition Programs

Case No. 2010-00146

# Initial Response of ProLiance Energy, LLC to AARP's 7/14/10 Initial Data Requests

ProLiance Energy, LLC ("ProLiance") pursuant to the procedural schedule set forth in

the Appendix to the Commission's Order dated June 8, 2010, hereby submits this initial response

to the data requests propounded by the AARP on July 14, 2010. Proliance's response consists of

one bound volume of text responses.

Respectfully submitted,

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ATTORNEYS FOR PROLIANCE ENERGY, LLC

# CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this the <u>29th</u> day of <u>July</u>, 2010, the original and ten (10) copies of the foregoing were hand delivered to the Commission for filing, and a copy was served, via U.S. Mail, first-class, postage prepaid, on each person at the address shown on the attached Service List.

Attorney for ProLiance Energy, LLC

#### SERVICE LIST

#### Ky. PSC Case No. 2010-00146

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#### VERIFICATION

STATE OF Indiana SS: **COUNTY OF Marion** 

The undersigned, Michael T. Griffiths, being duly sworn, certifies that I am Legal Counsel for ProLiance Energy, LLC. I further certify that the following responses of ProLiance Energy, LLC were prepared by me or under my supervision, and are true and correct to the best of my information, knowledge and belief formed after reasonable inquiry.

mike Huffith fichael T. Griffiths

SUBSCRIBED and SWORN to before me, a Notary Public, this 2 day of July, 2010.

Micesa D Conver. - Much Day Notary Public My commission expires: <u>24 Mart 2012</u>

# Request:

1. To the extent that the testimony filed on behalf of your company includes calculations of savings that any of your members have provided to customers over the costs they would otherwise have paid under regulated utility gas service, please provide all workpapers of each such calculation or estimate, in executable spreadsheet form, with identification of all relevant source material.

### **<u>Response</u>:**

ProLiance did not file any testimony.

# Request:

2. To the extent that the testimony filed on behalf of your company asserts that terms and conditions for retail gas choice in Kentucky are more onerous and fees and charges are higher than in other jurisdictions, please provide any analysis or other evidence that demonstrates that the Kentucky terms, conditions, fees or charges are: (a) not cost-based; (b) unjust; or (c) unreasonable.

### **<u>Response</u>:**

ProLiance did not file any testimony.

### Request:

3. Is it the position of your company that supervision by the Kentucky Public Service Commission of the competitiveness of the retail supply market in Kentucky is: (a) within the jurisdiction of the Commission, and (b) provides a state action protection against application of anti-trust laws to that market? Please provide your reasoning and relevant citations to support your position on these questions.

**Objection**: ProLiance objects to these questions as seeking legal opinion or conclusion rather than facts. Without waiver of the objection, ProLiance provides the following response through its counsel.

#### **<u>Response</u>:**

ProLiance has not taken a position on these two questions.

#### VERIFICATION

STATE OF Indiana SS: COUNTY OF Marion

The undersigned, Michael T. Griffiths, being duly sworn, certifies that I am Legal Counsel for ProLiance Energy, LLC. I further certify that the following responses of ProLiance Energy, LLC were prepared by me or under my supervision, and are true and correct to the best of my information, knowledge and belief formed after reasonable inquiry.

Mike Huffelly Michael T. Griffiths

SUBSCRIBED and SWORN to before me, a Notary Public, this <u>28</u> day of July, 2010.

Moresa D. Conner - Much Dan Notary Public My commission expires: <u>24 Mart, 2012</u>