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Dianne B. Kuhnell  
Senior Paralegal

**VIA OVERNIGHT DELIVERY and FACSIMILE**

August 5, 2010

Mr. Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd  
Frankfort, KY 40601

RECEIVED

AUG 06 2010

PUBLIC SERVICE  
COMMISSION

Re: Case No. 2010-00248

Dear Mr. Derouen:

Enclosed please find an original and twelve copies each of the *Response of Duke Energy Kentucky, Inc.* in the above captioned case.

We are filing via facsimile same Response today as well.

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

Sincerely,

Dianne B. Kuhnell  
Senior Paralegal

BEFORE THE PUBLIC SERVICE COMMISSION

In the matter of: )  
DUKE ENERGY KENTUCKY, INC. )  
\_\_\_\_\_)  
ALLEGED FAILURE TO COMPLY WITH )  
KRS 278.042 )

Case No. 2010-00248

RECEIVED

AUG 06 2010

PUBLIC SERVICE  
COMMISSION

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RESPONSE OF DUKE ENERGY KENTUCKY, INC.

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On July 16<sup>th</sup>, 2010, the Kentucky Public Service Commission, (Commission) issued an Order directing Duke Energy Kentucky, Inc., (Duke Energy Kentucky) to file a written response to the allegations contained in the Electric Utility Personal Injury Accident Report (Report) prepared by the Commission Staff and dated March 24, 2010. For its Response to the Commission’s Order, Duke Energy Kentucky states as follows:

1. Duke Energy Kentucky admits that the information contained in the sections of the report titled “Utility,” “Reported By,” “Accident Occurred,” “Utility Notified,” “PSC Notified,” “PSC Investigated,” and “Incident Location” is accurate.
2. With regard to the information contained in the section of the Report titled “Accident Description” Duke Energy Kentucky admits, based upon its investigation, that the information describing the accident is accurate.
3. Duke Energy Kentucky admits that the information contained in the sections of the Report titled “Victim,” “Witnesses,” and “Information From” is accurate.
4. With regard to the section of the Report titled “Probable Violation,” Duke Energy Kentucky denies that it committed a wil lful violation of Kentucky Revised Statutes (KRS) 278.042 or the National Electric Safety Code (NESC).

5. With regard to Attachment A to the Report, Duke Energy Kentucky admits that it is an accurate copy of the Utility Incident Report submitted by Duke Energy Kentucky.
6. With regard to Attachment B to the Report, Duke Energy Kentucky admits that it is an accurate copy of the 2007 version of the NESC but denies that said information establishes a willful violation of KRS 278.042 or the NESC. In accordance with Rule 13 B(2) of the NESC, Duke Energy Kentucky states that the clearances set forth in the 2007 version of the NESC are not applicable to the line in question.
7. Duke Energy Kentucky admits that the photographs contained in Attachment C to the Report are accurate.

**NOW, THEREFORE,** Duke Energy Kentucky requests that the case be dismissed, or in the alternative, that the hearing date of September 21, 2010 be suspended and an informal conference be scheduled with the Commission Staff for the purpose of discussing settlement and expediting resolution of this proceeding. Duke Energy Kentucky's willingness to discuss settlement is not, and should not be construed as, an admission of liability on its part.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

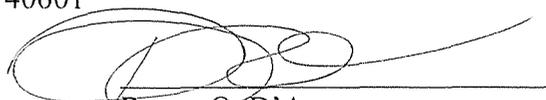


Rocco O. D'Ascenzo (92796)  
Senior Counsel  
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Associate General Counsel  
Duke Energy Kentucky, Inc.  
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**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing Response has been served via  
overnight mail to the following party on this 5<sup>th</sup> day of August 2010:

Staff Counsel  
Public Service Commission  
211 Sower Blvd.  
Frankfort, Kentucky 40601

A handwritten signature in black ink, appearing to read 'Rocco O. D'Ascenzo', written over a horizontal line.

Rocco O. D'Ascenzo  
Amy B. Spiller