



S T O L L · K E E N O N · O G D E N
P L L C

2000 PNC PLAZA
500 WEST JEFFERSON STREET
LOUISVILLE, KY 40202-2828
MAIN: (502) 333-6000
FAX: (502) 333-6099
www.skofirm.com

KENDRICK R. RIGGS
DIRECT DIAL: (502) 560-4222
DIRECT FAX: (502) 627-8722
kendrick.riggs@skofirm.com

August 2, 2011

RECEIVED

AUG 02 2011

PUBLIC SERVICE
COMMISSION

VIA HAND DELIVERY

Jeff DeRouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

RE: Application of Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Approval of its 2011 Compliance Plan for Recovery by Environmental Surcharge
Case No. 2011-00162

Dear Mr. DeRouen:

Enclosed please find and accept for filing the original and fifteen copies of Louisville Gas and Electric Company's Objections to Drew Foley, Janet Overman, Gregg Wagner, Sierra Club and Natural Resources Defense Council's First Set of Interrogatories and Requests for Production of Documents 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 enclosed additional copies and return them to me via our office courier.

Should you have any questions please contact me at your convenience.

Yours very truly,


Kendrick R. Riggs

KRR:ec
Enclosures
cc: Parties of Record

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR)	
CERTIFICATES OF PUBLIC)	
CONVENIENCE AND NECESSITY)	CASE NO. 2011-00162
AND APPROVAL OF ITS 2011)	
COMPLIANCE PLAN FOR RECOVERY BY)	
ENVIRONMENTAL SURCHARGE)	

**LOUISVILLE GAS AND ELECTRIC COMPANY’S OBJECTIONS
TO DREW FOLEY, JANET OVERMAN, GREGG WAGNER,
SIERRA CLUB AND THE NATURAL RESOURCES DEFENSE COUNCIL’S
FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

Louisville Gas and Electric Company (“LG&E”), by counsel, hereby objects to the instructions and definitions set forth in Drew Foley, Janet Overman, Gregg Wagner, Sierra Club and Natural Resources Defense Council’s First Set of Interrogatories and Requests for Production of Documents.

Accompanying the interrogatories and requests for production of documents are definitions and instructions that are overly broad, unduly burdensome and cumulatively seek to impose undue obligations upon LG&E. While the Commission has not addressed this specific issue, federal authorities recognize that instructions in discovery requests may be objected to if overly burdensome.¹

First, Drew Foley, Janet Overman, Gregg Wagner, Sierra Club and Natural Resources Defense Council (collectively, “Environmental Group”) seek to impose in the definitions section

¹ 7 James Wm. Moore et. Al., *Moore’s Federal Practice* § 33.31 (2009).

description of “any” so broadly as to encompass “all or each and every example.”² This definition not only seeks to require LG&E to perform an unduly exhaustive search for responsive documents, but would also include documents subject to the attorney-client privilege, work-product protection, and other recognized privileges. LG&E objects to this definition and will provide responsive, non-privileged documents that are within its possession, custody or control.

The definitions section describes “document” so broadly as to require LG&E to search mediums not recognized in Commission proceedings or in LG&E’s usual course of business, such as telegrams and diaries that bear no relevance to the present proceeding.³ Similarly, the definition of “communication” would require LG&E to search for and provide telegraphs, teletypes, and cables.⁴ LG&E objects to the extent that the definitions require LG&E to search for oral and written communications that are not kept in its usual course of business.

The definitions section also seeks to impose an obligation on LG&E to identify responsive documents that are *not* within its custody or control.⁵ Such request is unduly burdensome, time consuming and exceeds the scope of the Federal Rules of Civil Procedure.⁶ As reiterated, LG&E will produce relevant documents reasonably responsive to the request and within its possession, custody or control that are kept in the usual course of business.

The objections identified above are not exclusive, but instead are provided as examples of why LG&E has objected generally to the overly broad and unduly burdensome nature of the definitions and instructions portion of Environmental Group’s discovery. LG&E will respond to

² Environmental Groups Discovery, p. 2.

³ *Id.*

⁴ *Id.*

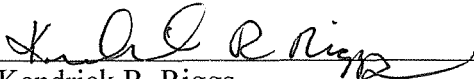
⁵ *Id.* at 2-3.

⁶ See FRCP 34(a)(1).

Environmental Group's interrogatories and requests for production of documents in accordance with generally accepted Commission procedure subject to the forgoing objections.

Dated: August 2, 2011

Respectfully submitted,



Kendrick R. Riggs

Monica H. Braun

W. Duncan Crosby III

Stoll Keenon Ogden PLLC

2000 PNC Plaza

500 West Jefferson Street

Louisville, Kentucky 40202-2828

Telephone: (502) 333-6000

Allyson K. Sturgeon

Senior Corporate Attorney

LG&E and KU Services Company

220 West Main Street

Louisville, Kentucky 40202

Telephone: (502) 627-2088

Counsel for Louisville Gas and Company

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Objection was served via U.S. mail, first-class, postage prepaid, this 2nd day of August 2011 upon the following persons:

Dennis G. Howard II
Lawrence W. Cook
Assistant Attorneys General
Office of the Kentucky Attorney General
Office of Rate Intervention
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

Scott E. Handley
Administrative Law Division
Office of the Staff Judge Advocate
50 Third Avenue, Room 215
Fort Knox, KY 40121-5000

Michael L. Kurtz
David F. Boehm
Boehm, Kurtz & Lowry
36 East Seventh Street, Suite 1510
Cincinnati, OH 45202

Edward George Zuger III
Zuger Law Office PLLC
P.O. Box 728
Corbin, KY 40702

David C. Brown
Stites & Harbison PLLC
400 West Market Street, Suite 1800
Louisville, KY 40202-3352

Kristin Henry
Staff Attorney
Sierra Club
85 Second Street
San Francisco, CA 94105

Tom FitzGerald
Kentucky Resources Council
P.O. Box 1070
Frankfort, KY 40602

Shannon Fisk
Senior Attorney
Natural Resources Defense Council
2 N. Riverside Plaza, Suite 2250
Chicago, IL 60660

Robert A. Ganton
Regulatory Law Office
U.S. Army Legal Services Agency
901 N. Stuart Street, Suite 525
Arlington, VA 22203-1837


Counsel for Louisville Gas and Company