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PUBLIC SERVICE  
COMMISSION

Mr. Jeff DeRouen  
Executive Director  
Attention: Mr. Jonathan Beyer  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40601

Louisville Gas and Electric  
Company  
State Regulation and Rates  
220 W. Main Street  
PO Box 32010  
Louisville, Kentucky 40232  
www.lge-ku.com

Rick Lovekamp  
Manager, Regulatory Affairs  
T 502-627-3780  
F 502-627-3213  
Rick.Lovekamp@lge-ku.com

November 13, 2013

RE: *In the matter of Louisville Gas and Electric Company Alleged Failure  
to Comply with KRS 278.042  
Case No. 2013-00373*

Dear Mr. DeRouen:

Enclosed please find and accept for filing the original and ten copies of Louisville Gas and Electric Company's Response to the Commission's Order of October 24, 2013 and Motion to Suspend Hearing and Schedule Informal Conference in the above-referenced matter.

Should you require anything further, please contact me at your convenience.

Sincerely,

A handwritten signature in black ink that reads 'Rick E. Lovekamp'.

Rick E. Lovekamp

Enclosures

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC )  
COMPANY )

CASE NO. 2013-00373

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)

ALLEGED FAILURE TO COMPLY  
WITH KRS 278.042

**RESPONSE OF LOUISVILLE GAS AND ELECTRIC COMPANY**  
**TO THE COMMISSION'S ORDER OF OCTOBER 24, 2013**  
**AND MOTION TO SUSPEND HEARING AND**  
**SCHEDULE INFORMAL CONFERENCE**

On October 24, 2013, the Kentucky Public Service Commission ("Commission") issued an Order directing Louisville Gas and Electric Company ("LG&E") to file a written response to the allegations contained in the Electric Utility Personal Injury Incident Report ("Report") prepared by the Commission Staff dated August 13, 2013. For its Response to the Commission's Order, LG&E states as follows:

1) LG&E admits the information contained in the sections of the Report titled "Utility," "Reported By," "Incident Occurred," "Utility Discovered," "Utility Discovered Treatment to the Victim," "PSC Notified," "PSC Investigated," "Report Received," "Incident Location" and "KPSC Investigator" is accurate.

2) LG&E admits the information contained in the section of the Report titled "Incident Description" is generally accurate to the extent it summarizes the events leading up to the incident. However, LG&E would like to clarify that the conductor being replaced was a short section of the total conductor connecting two vaults. The new conductor spanned from one vault

to one manhole. The new section did not “pass through two manholes between the two vaults.” Further, the victim was not in the process of connecting “the new energized secondary conductors” at the time of the accident. He was reconnecting existing energized conductors that he cut in a prior step of the overall job. Finally, LG&E denies that the ladder leading into the vault was in violation of the LG&E Health & Safety Manual.

3) LG&E admits that the information contained in the sections of that Report titled “Victim,” “Witnesses,” “Employee at job site but did not witness incident” and “Information From” are accurate.

4) With regard to the section of the Report titled “Findings” LG&E denies that it committed any willful violation of the Commission’s regulations, the National Electric Safety Code or the LG&E Health & Safety Manual.

#### FIRST AFFIRMATIVE DEFENSE

With regard to numerical violation No. 5 contained in the Commission’s Order of October 24, 2013, alleging failure to use an approved nonconductive ladder to gain access to the vault, LG&E asserts that LG&E Health & Safety Manual E.8.4 does not apply to stationary ladders permanently installed in a vault. Rather, the LG&E Health & Safety Manual E.8.4 applies only to free standing ladders that are temporarily placed in the vault due to their potential for coming in contact with conductors.

#### SECOND AFFIRMATIVE DEFENSE

With regard to numerical violation Nos. 2 (a) and (b) alleging that an LG&E employee was working on more than one energized conductor at a time in violation of the LG&E Health & Safety Manual at E.5.7 and E.9.7, LG&E notes that KRS 278.990 authorizes the assessment of penalties only when a person “willfully violates” a Commission statute or regulation or fails to

obey a Commission Order. In this case, the employee did not willfully violate this safety rule because he mistakenly believed that he was working on the same conductor, and not different ones.

**NOW THEREFORE,** LG&E requests that this case be dismissed or, in the alternative, that the hearing date set for January 29, 2014 be suspended and that an informal conference be scheduled with the Commission Staff for the purposes of discussing settlement and expediting resolution of this proceeding. LG&E's willingness to discuss settlement is not, and should not be construed as, an admission of liability or fault on its part.

Dated: November 13, 2013

Respectfully Submitted,

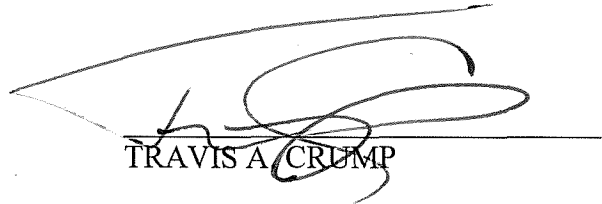
A handwritten signature in black ink, appearing to read 'Travis A. Crump', is written over a horizontal line. The signature is stylized and somewhat cursive.

Travis A. Crump  
Corporate Attorney  
Allyson K. Sturgeon  
Senior Corporate Attorney  
Louisville Gas and Electric Company  
220 West Main Street  
Louisville, KY 40202  
(502) 627-2088  
*Counsel for Louisville Gas and Electric  
Company*

**CERTIFICATE OF SERVICE**

I hereby certify a true and accurate copy of the foregoing was sent via U.S. First Class mail to the below person on the 13<sup>th</sup> day of November, 2013.

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



TRAVIS A. CRUMP