



**Gregory T. Dutton**  
9301 Dayflower Street  
Prospect, KY 40059  
Telephone: (502) 589-4440  
Facsimile: (502) 581-1344  
gdutton@goldbergsimpson.com

October 4, 2016

Talina Mathews  
Executive Director  
Public Service Commission  
PO Box 615  
Frankfort, Kentucky 40602-0615

RECEIVED

OCT 6 2016

PUBLIC SERVICE  
COMMISSION

RE: Louisville/Jefferson County Metro Government v. Louisville Gas and Electric Company,  
Case No. 2016-00347.

Dear Ms. Mathews,

Please accept for filing on behalf of Louisville/Jefferson County Metro Government, the enclosed Motion for Use of Electronic Filing Procedures. The filing includes 10 copies, plus an original, per 807 KAR 5:001, Section 7. Please feel free to contact me if you have any questions about anything contained herein.

Very truly yours,

A handwritten signature in blue ink that reads 'Gregory T. Dutton'.

Gregory T. Dutton  
Goldberg Simpson, LLC

**Commonwealth of Kentucky  
Before the Public Service Commission**

In the Matter of:

Louisville/Jefferson County Metro Government	)	
	)	
Complainant,	)	Case No.
	)	2016-00347
v.	)	
	)	
Louisville Gas and Electric Company	)	
	)	
Defendant.	)	

**MOTION FOR USE OF ELECTRONIC FILING PROCEDURES**

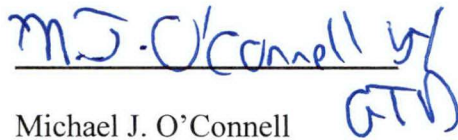
Pursuant to 807 KAR 5:001, Section 8, Louisville/ Jefferson County Metro Government (“Louisville”) moves that the Public Service Commission (“the Commission”) require the use of electronic filing procedures in this proceeding. In support of its motion, Louisville states:

1. 807 KAR 5:001, Section 8 (hereafter “Section 8”) permits an applicant to elect the use of electronic filing procedures in a proceeding. While those Rules suggest a preference for election to use electronic filing in advance of the initial filing, the regulation does not prohibit a party from seeking permission to proceed under Section 8 after the proceeding has been initiated.
2. Recently, the Commission found good cause to allow an Application for a Declaratory Order to proceed under Section 8 after the proceeding had been initiated and a party had moved for intervention. Case No. 2016-00317, Order dated Sept. 14, 2016. Thus, allowing the case at hand to proceed under Section 8 would be consistent with prior Commission precedent.

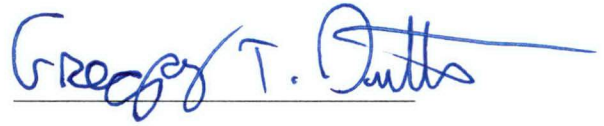
3. While Section 8 anticipates the use of electronic filing procedures where the initial filing is an application, that fact should not bar a complaint case from proceeding under the Section 8 procedures.
4. The proceeding statement is all the more true in the present instance, where both parties to the complaint are represented by counsel experienced with the procedures required under Section 8. As such, the defendant, Louisville Gas & Electric Co., will not experience any prejudice by proceeding under Section 8.
5. In an effort to avoid delay in the resolution of Case No. 2016-00137 and the initiation of the case at hand, Louisville felt it appropriate to file all documents simultaneously, which prevented filing an election to use electronic filing procedures seven (7) days in advance as imagined by 807 KAR 5:001, Section 8(2).
6. Authorized representatives of Louisville have registered with the Public Service Commission and are authorized to make electronic filings with the Public Service Commission. Additionally, they possess the facilities to receive electronic transmissions.
7. Pursuant to KRS § 278.380, Louisville waives any right to service of Public Service Commission orders by mail for purposes of this proceeding only.

WHEREFORE, Louisville moves the Commission to issue an Order designating this proceeding as an electronic filing proceeding under 807 KAR 5:001, Section 8.

Respectfully submitted,

  
Michael J. O'Connell

Michael J. O'Connell  
Jefferson County Attorney's Office  
Brandeis Hall of Justice  
600 West Jefferson Street, Suite 2086  
Louisville, KY 40202  
[Mike.OConnell@louisvilleky.gov](mailto:Mike.OConnell@louisvilleky.gov)

  
Gregory T. Dutton

Gregory T. Dutton  
Goldberg Simpson, LLC  
9301 Dayflower Street  
Prospect, Kentucky 40059  
Telephone: 502-589-4440  
[gutton@goldbergsimpson.com](mailto:gutton@goldbergsimpson.com)

### CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of this document has been served via electronic mail to the persons listed below.

  
Gregory T. Dutton

Gregory T. Dutton

Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
Jody Kyler Cohn, Esq.  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: (513) 421-2255, Fax: (513) 421-2765  
E-Mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)  
[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

Allyson K. Sturgeon  
Robert M. Conroy  
Louisville Gas & Electric Co.  
220 West Main Street  
Louisville, Kentucky 40202  
[allyson.sturgeon@lge-ku.com](mailto:allyson.sturgeon@lge-ku.com)  
[robert.conroy@lge-ku.com](mailto:robert.conroy@lge-ku.com)

Kendrick R. Riggs  
Stoll Keenan Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202  
[Kendrick.riggs@skofirm.com](mailto:Kendrick.riggs@skofirm.com)