

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE GAS)	
AND ELECTRIC COMPANY FOR A DECLARATORY)	CASE NO.
ORDER REGARDING THE PROPER METHOD OF)	2016-00317
MUNICIPAL FRANCHISE FEE RECOVERY)	

ORDER

On August 31, 2016, Louisville Gas and Electric Company (“LG&E”) filed an application for a declaratory order (“application”) regarding the proper method of recovering the municipal franchise fee enacted by the Louisville/Jefferson County Metro Government (“LJCMG”). Thereafter, the Commission entered an Order granting the motions of LJCMG and Kentucky Industrial Utility Customers, Inc. to intervene in this case. On September 19, 2016, LJCMG filed a motion to dismiss this case or, in the alternative, consolidate it with Case No. 2016-00347,¹ which involves a complaint filed by LJCMG against LG&E with respect to the franchise agreement at issue in this case. On October 14, 2016, LJCMG filed a request for a procedural schedule, asking that the Commission rule on its pending motion to dismiss. Should the Commission deny its motion to dismiss and determine that both cases will continue, LJCMG requests that the Commission issue a procedural schedule in this case to allow for discovery and oral argument.

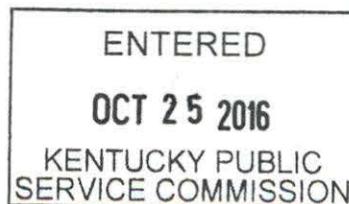
¹ Case No. 2016-00347, *Louisville Jefferson County Metro Government v. Louisville Gas and Electric Company* (filed Sept. 19, 2016).

On October 18, 2016, LG&E filed a response, arguing that its request for a declaratory order presents legal issues that are ripe for a decision and no further proceedings are necessary. In LJCMG's reply, filed October 22, 2016, LJCMG reiterates its request for a procedural schedule to allow discovery to be conducted.

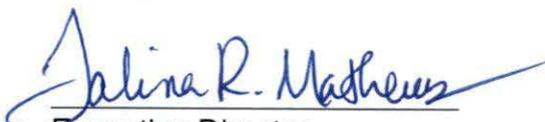
In Case No. 2016-00347, the Commission has rejected LJCMG's complaint due to its failure to include sufficient facts and to state a *prima facie* case. LJCMG was granted 20 days to file an amended complaint that conforms to the requirements of 807 KAR 5:002, Section 20(1), and that states a *prima facie* case. Until the Commission has made a final determination in that case accepting or rejecting LJCMG's complaint, a ruling on LJCMG's motion to dismiss and request for a procedural schedule would be premature. Accordingly, the Commission finds that LJCMG's request for a procedural schedule and its motion to dismiss should be held in abeyance pending the Commission's decision in Case No. 2016-00347 as to whether LJCMG's complaint will be accepted or rejected.

IT IS THEREFORE ORDERED that LJCMG's motion to dismiss and its request for a procedural schedule are held in abeyance until further Order by the Commission.

By the Commission



ATTEST:


Executive Director

*Honorable Allyson K Sturgeon
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Robert Conroy
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Gregory T Dutton
Goldberg Simpson LLC
9301 Dayflower Street
Louisville, KENTUCKY 40059

*Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Michael J O'Connell
Jefferson County Attorney
Brandeis Hall of Justice
600 West Jefferson St., Suite 2086
Louisville, KENTUCKY 40202

*Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202