

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

In the Matter of:

Investigation into the Membership of  
Louisville Gas and Electric Company  
and Kentucky Utilities Company in the  
Midwest Independent Transmission  
System Operator, Inc.

Case No. 2003-00266

**Motion to Suspend Deadlines  
regarding Discovery Requests**

The Midwest Independent System Operator, Inc. ("the Midwest ISO") hereby moves for the suspension of deadlines relating to discovery requests addressed to the supplemental rebuttal testimony filed on behalf of Louisville Gas and Electric Company and Kentucky Utilities ("LG&E/KU") on January 10, 2005. If a general suspension is not granted, the Midwest ISO requests leave to propound data requests in addition to the basic requests that it will file and serve today.

On January 19, 2005, the Midwest ISO served and filed a Motion to Strike and to File Additional Testimony. The Motion requests that all or parts of the testimony of four of LG&E/KU's seven supplemental rebuttal witnesses be stricken, and seeks leave for the Midwest ISO to present a benefit-cost analysis based on the same generating resources that LG&E/KU included in its own study. The Midwest ISO is willing to respond to written data requests addressed to its additional testimony and for LG&E/KU to have the opportunity to submit written testimony responding to that additional testimony.

With all this in the background, it seems wasteful to plow ahead with the existing discovery schedule regarding LG&E/KU's supplemental rebuttal testimony. Data requests for testimony that is stricken will be moot, and the Midwest ISO cannot know at this point whether the data requests are aimed exclusively at cross-examination

of LG&E/KU witnesses at the hearing, discovery of what could (and should) be a common basis for the parties' benefit-cost studies, or gathering data for surrebuttal or supplemental testimony. There may need to be significant changes to the procedural schedule in general, which would make the expenditure of such effort now particularly inefficient.

The Midwest ISO respectfully suggests that the deadlines for propounding the data requests to LG&E/KU (today, 1/20/05) and for LG&E/KU to provide its responses (Tuesday, 2/1/05) be suspended until there is a ruling on its Motion to Strike and to File Additional Testimony. If that Motion is granted in whole or in part, the Commission could then determine whether those discovery steps remain useful or necessary and, if so, set new deadlines for them. If that Motion is denied, the Midwest ISO requests a few working days thereafter in which to propound data requests in addition to the basic ones it serves and files today as a precautionary measure.

WHEREFORE, the Midwest ISO respectfully requests that the Commission suspend the deadlines for it to propound, and LG&E/KU to respond to, data requests relating to LG&E/KU's supplemental rebuttal testimony until it rules on the Midwest ISO's Motion to Strike and to File Additional Testimony.

Respectfully submitted,

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CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this the 20th day of January, 2005, the original and ten (10) copies of the foregoing, were hand-delivered to the Commission for filing. A copy of the foregoing has also been sent by U.P.S. to:

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