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July 21, 2004

RECEIVED  
JUL 22 2004  
PUBLIC SERVICE  
COMMISSION

Public Service Commission  
P. O. Box 615  
211 Sower Boulevard  
Frankfort, KY 40602-0615

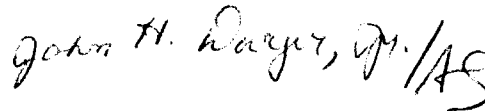
Case 2004-00293

**Re: The Paddock at Eastpoint, 13500 Factory Lane, Louisville, Kentucky**

Dear Sir/Madam:

Enclosed are two copies of a petition before the Public Service Commission regarding Louisville Gas & Electric Company's failure to comply with KRS 278.020. The petitioners respectfully request the Commission to address this matter, and to require LG&E to comply with its obligations under the above statute and associated regulations. Please return a copy of the petition, indicating the case number assigned to it by the Commission, in the enclosed self-addressed stamped envelope.

Sincerely,



John H. Dwyer, Jr.

JHD/avs  
Enclosure

cc: Mr. Scott Hagan  
Mr. Harry Lee Meyer, Esq.

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

RECEIVED  
JUL 22 2004  
PUBLIC SERVICE  
COMMISSION

**IN THE MATTER OF:**

**138 KV TRANSMISSION LINE  
LOCATED ADJACENT TO INTERSTATE  
265 IN JEFFERSON COUNTY, KENTUCKY  
AS PROPOSED BY LOUISVILLE GAS &  
ELECTRIC COMPANY**

**CASE NO. 2004-00293**

**PETITION**

Petitioners, Paddock at Eastpoint, LLC, a Kentucky limited liability company, and Louis K. Klemenz, and St. Joseph Catholic Orphan Society, as their interest may appear, hereby move the Public Service Commission (“PSC”) to enter an order requiring Louisville Gas & Electric Company (“LG&E”) to apply for a Certificate of Public Convenience and Necessity, as required by KRS 278.020 and 807 KAR 5:120E. In support of this Petition, Petitioners state:

1. Petitioners respectively own certain parcels of real property adjacent to Interstate 265 in Jefferson County, Kentucky.
2. LG&E has notified Petitioners of LG&E’s intent to acquire easements over their respective properties for the extension of a 138 KV electrical transmission line in excess of more than 5,280 feet along the east boundary line of Interstate 265.
3. Although LG&E has advised Petitioners that it has had numerous planned routes for this line, some of which involve Petitioners’ properties and some of which do not, at no time has

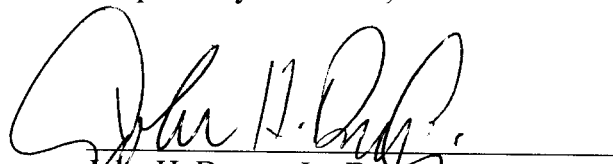
LG&E informed Petitioners that it has obtained a Certificate of Public Convenience and Necessity required by KRS 278.020, and review of PSC's records indicate that no application for such petition has been filed with the PSC.

4. Upon Petitioners' information and belief, the electrical transmission line proposed by LG&E is not exempt by KRS 278.020(2).

5. Petitioners are directly and adversely affected by LG&E's actions in violation of KRS 278.020, and are authorized, pursuant to 807 KAR 5:120E to request a local public hearing on the proposed extension, and to intervene pursuant to 807 KAR 5:001(8). LG&E's failure to file the required application has deprived Petitioners of these rights, and those flowing from it.

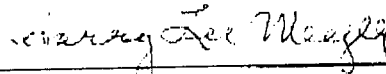
Based on the foregoing, Petitioners respectfully request that the Court enter an Order requiring LG&E to file an application for the construction of the extension of the subject 138 KV electrical transmission line pursuant to 807 KAR 5:120E to obtain a Certificate of Public Convenience and Necessity.

Respectfully submitted,



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And



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