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John J. Finnigan, Jr.
Senior Counsel

Via Overnight Mail

January 20, 2005

Beth O'Donnell, Esq.
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602

RECEIVED

JAN 24 2005

PUBLIC SERVICE
COMMISSION

Re: Case No. 2005-00027
Application of The Union Light, Heat and Power Company for an Order
Authorizing the Issuance of First Mortgage Bonds, Unsecured Debt, and Long
Term Notes, Issuance of Inter-Company Promissory Notes, Execution and
Delivery of Long-Term Loan Agreements, and Use of Interest Rate Management
Instruments

Dear Ms. O'Donnell:

Enclosed is an original and twelve copies of the Motion of ULH&P for Deviation from
Filing Requirements Under 807 KAR 5:001 Section 6 in the above-captioned case.

Please date stamp the two additional copies and return them in the enclosed envelope.

Thank you.

Sincerely,

John J. Finnigan, Jr.
Senior Counsel

cc: Honorable Elizabeth Blackford/ with Enclosures

JJF/sew
Enclosures

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

In the Matter of the Application of The Union)
Light, Heat and Power Company for an Order)
Authorizing the Issuance of First Mortgage)
Bonds, Unsecured Debt, and Long Term Notes,)
Issuance of Inter-Company Promissory Notes,)
Execution and Delivery of Long-Term Loan)
Agreements, and Use of Interest Rate)
Management Instruments.)

JAN 24 2005

PUBLIC SERVICE
COMMISSION

Case No. 2005- 00027

MOTION OF ULH&P FOR DEVIATION
FROM FILING REQUIREMENTS UNDER 807 KAR 5:001 SECTION 6

Pursuant to 807 KAR 5:001 Section 14, The Union Light, Heat and Power Company (ULH&P) respectfully requests that the Kentucky Public Service Commission (Commission) grant a deviation from the filing requirements under 807 KAR 5:001 Section 6 to permit ULH&P to utilize a financial exhibit for the 12-month period ending September 30, 2004. In support of this request, ULH&P states as follows:

1. On January 12, 2005, ULH&P filed an application with the Commission under KRS 278.300 and 807 KAR 5:001 Section 11, to authorize a new financing program as described in the application.

2. The application included a financial exhibit, as required by 807 KAR 5:001 Section 6. The financial exhibit covered the 12-month period ending September 30, 2004.

3. Under 807 KAR 5:001 Section 6, the financial exhibit must cover a 12-month period ending not more than 90 days prior to the date the application is filed. In the

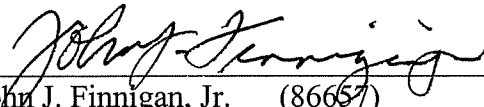
present case, ULH&P's financial exhibit covers a period ending 104 days from the date the application was filed.

4. The reason ULH&P's financial exhibit covers a period ending more than 90 days from the date the application was filed is because ULH&P had prepared its application and financial exhibit, but delayed filing it pending an informal conference with Commission Staff and the Attorney General. The informal conference took place on January 11, 2005.

5. ULH&P represents that no material changes have occurred relating to the information presented in its financial exhibit for the 12-month period ending September 30, 2004 as compared to the 12-month period ending December 31, 2004, except the following: on December 9, 2004, ULH&P issued \$40 million of 5% fixed rate 10 year debentures, the proceeds of which were used to retire short-term debt and for other corporate purposes. ULH&P previously reported this issuance of debentures to the Commission, as required under the Commission's previous orders approving ULH&P's financing authority, and also reported this at page 3 of the financial exhibit attached to ULH&P's application. ULH&P further states that it will respond to any data requests from Commission Staff and the Attorney General which request any specific changes in its financial condition between September 30, 2004 and December 31, 2004.

WHEREFORE, ULH&P requests that the Commission approve ULH&P's request for deviation as described herein.

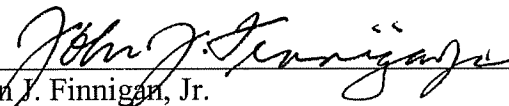
THE UNION LIGHT, HEAT AND POWER
COMPANY



John J. Finnigan, Jr. (86657)
The Union Light, Heat and Power Company
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Cincinnati, Ohio 45201
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CERTIFICATE OF SERVICE

I hereby give notice that on this 20th day of January, 2005, a copy of the foregoing motion was served on the following party by regular U.S. mail, postage prepaid, or overnight mail delivery.



John J. Finnigan, Jr.

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