

**BEFORE THE  
KENTUCKY PUBLIC SERVICE COMMISSION**

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PUBLIC SERVICE  
COMMISSION

In The Matter Of:

THE ANNUAL COST RECOVERY            )  
FILING FOR DEMAND SIDE                )  
MANAGEMENT BY DUKE ENERGY        )  
KENTUCKY, INC.                            )

CASE NO. 2007-00369

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**MOTION OF  
DUKE ENERGY KENTUCKY, INC. TO AMEND THE PROCEDURAL  
SCHEDULE TO PERMIT THE FILING OF REPLY COMMENTS**

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Pursuant to KRS 278.285, Duke Energy Kentucky, Inc. (“DE-Kentucky”) moves the Commission for an Order to amend the current procedural schedule to permit the filing of Reply Comments. In support of this Motion, DE-Kentucky states as follows:

1. On or about November 15, 2007, DE-Kentucky filed its Application for Annual Cost Recovery Filing for Demand Side Management (“Application”), in the above styled proceeding.<sup>1</sup> The Application was filed with the consensus of the Residential Collaborative and the Commercial and Industrial Collaborative.<sup>2</sup>
2. On or about December 10, 2007, the Kentucky Public Service Commission (“Commission”) issued an Order suspending the implementation of DE-Kentucky’s proposed demand side management riders (“DSM Riders”) until May 14, 2008.
3. On or about February 25, 2008, the Commission issued an Order amending the procedural schedule (“Amended Scheduling Order”) which among other things, established March 24, 2008 as the deadline for Parties to the proceeding to file comments

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<sup>1</sup> *In re: The Annual Cost recovery Filing for Demand Side management by Duke Energy Kentucky, Inc.*, Case No., 2007-00369, (Application at 1)(November 15, 2007).

<sup>2</sup> *Id.*

regarding DE-Kentucky's Application.<sup>3</sup> The amended procedural schedule did not provide an opportunity for DE-Kentucky or any other Party to file reply comments.

4. On March 24, 2008, the Office of the Attorney General filed its comments on DE-Kentucky's Application. DE-Kentucky was surprised at the nature of the remarks made in the Attorney General's comments. Members of the Attorney General have attended meetings of the DSM Collaborative for a decade and have been instrumental in developing the programs which are criticized in the Attorney General's Comments. All of the decisions made regarding DE-Kentucky's DSM programs have come with the full input of the collaborative members, including the Attorney General's office.

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5. Under the current procedural schedule, there is no opportunity for DE-Kentucky to respond to the Attorney General's Comments and clarify the record for this Commission's consideration. DE-Kentucky believes the programs submitted through its Application offer a number of benefits to its customers which are either not considered or inaccurately evaluated by the Attorney General.

6. DE-Kentucky submits that the above circumstances constitute good cause to amend the procedural schedule and therefore requests the Commission to amend the procedural schedule to allow the filing of reply comments. DE-Kentucky is filing its Reply Comments contemporaneously with this Motion. The filing of reply comments will not unreasonably delay the proceeding and will allow the Commission to better evaluate the filing made by DE-Kentucky.

WHEREFORE, DE-Kentucky respectfully requests that the Commission grant the relief requested in this Motion.

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<sup>3</sup> (Order at Appendix A)(February 25, 2008)

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served on the following via ordinary United States mail, postage prepaid, this 3<sup>rd</sup> day of April, 2008:

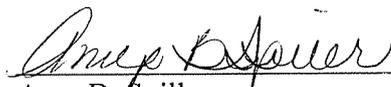
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