



139 East Fourth Street, Room 2500 AT II
P.O. Box 960
Cincinnati, Ohio 45201-0960
Tel: 513-419-1847
Fax: 513-419-1846
anita.schafer@duke-energy.com

Anita M. Schafer
Sr. Paralegal

VIA OVERNIGHT MAIL

April 10, 2008

Ms. Stephanie L. Stumbo
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, Kentucky 40602-0615

Re: Case No. 2007-477

Dear Ms. Stumbo:

Enclosed please find an original and 12 copies of the First Set of Requests for Information to the Kentucky Industrial Utility Customers, Inc. on behalf of DE-Kentucky in the above captioned case.

Please date stamp and return the two extra copies of these requests in the enclosed, self-addressed envelope.

If you have any questions, please do not hesitate to contact me at (513) 419-1847.

Sincerely,

Anita M. Schafer
Senior Paralegal

cc: Parties of Record

RECEIVED

APR 11 2008

**PUBLIC SERVICE
COMMISSION**

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

APR 11 2008

**PUBLIC SERVICE
COMMISSION**

In the Matter of:)
)
AN INVESTIGATION OF THE)
ENERGY AND REGULATORY ISSUES) CASE NO. 2007-00477
IN SECTION 50 OF KENTUCKY'S 2007)
ENERGY ACT)

DUKE ENERGY KENTUCKY, INC.'S REQUESTS FOR INFORMATION TO THE
KENTUCKY INDUSTRIAL UTILTIY CUSTOMERS, INC.

Now comes Duke Energy Kentucky, Inc., and submits its Requests for Information to the Kentucky Industrial Utility Customers, Inc. ("KIUC") to be answered by the date specified in the Commission's Order and in accord with the following:

For purpose of these discovery requests, the following terms shall have meanings set forth below:

(1) As used herein, "document", "documentation" and/or "record", whether stated as the singular or the plural, means any course of binders, book, pamphlet, periodical, letter, correspondence, memoranda, including but not limited to, any memorandum or report of a meeting or telephone or other conversation, invoice, account, credit memo, debit memo, financial statement, general ledger, ledger, journal, work papers, account work papers, report, diary, telegram, record, contract, agreement, study, draft, telex, handwritten or other note, sketch, picture, photograph, plan, chart, paper, graph, index, tape, data processing card, data processing disc, data cells or sheet, check acceptance draft, e-mail, studies, analyses, contracts, estimates, summaries, statistical statements, analytical records, reports and/or summaries of investigations, opinions or reports of consultants, opinions or reports of accountants, trade letters, comparisons, brochures, pamphlets, circulars, bulletins, notices, forecasts, electronic communication, printouts, all other data compilations from which information can be obtained (translated if necessary by defendants into usable form), any preliminary versions, drafts or revisions of any of the foregoing, and/or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however produced or reproduced and regardless of origin or location, in the possession, custody and/or control of the defendant and/or their agents, accountants, employees, representatives and/or attorneys. "Document" and "record" also mean all copies of documents by whatever means made, if the copy bears any other markings or notations not found on the original.

(2) The terms “relating to”, “referring to”, “referred to”, “pertaining to”, “pertained to” and “relates to” means referring to, reporting, embodying, establishing, evidencing, comprising, connected with, commenting on, responding to, showing, describing, analyzing, reflecting, presenting and/or constituting and/or in any way involving.

(3) The terms “and”, “or”, and “and/or” within the meaning of this document shall include each other and shall be both inclusive and disjunctive and shall be construed to require production of all documents, as above-described, in the broadest possible fashion and manner.

(4) To “identify” shall mean:

(a) With respect to a document, to state its date, its author, its type (for example, letter, memorandum, chart, photograph, sound reproduction, etc.), its subject matter, its present location and the name of its present custodian. The document may be produced in lieu of supplying the foregoing information. For each document which contains information as privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.

(b) With regard to a natural person, to state his or her full name, last known employer or business affiliation, title and last known home address.

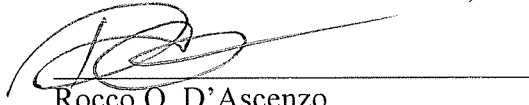
(c) With regard to a person other than a natural person, state the title of that person, any trade name, or corporate name or partnership name used by that person, and the principal business address of that person.

(5) “Energy Efficiency” shall mean both demand response and conservation programs

(6) To “produce” or to “identify and produce”, shall mean that KIUC shall produce each document or other requested tangible thing. For each tangible thing which KIUC contends are privileged or otherwise excludable from discovery, there shall be included a statement as to the basis for such claim of privilege or other grounds for exclusion.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.



Rocco O. D'Ascenzo
Duke Energy Kentucky, Inc.
139 East Fourth Street, Rm 25 ATII
Cincinnati, Ohio 45201-0960
Phone: (513) 419-1852 /Fax: (513) 419-1846
e-mail:rocco.d'ascenzo@duke-energy.com

And

Jason Renzelmann
Frost Brown Todd LLC
400 West Market St., 32nd Floor
Louisville, KY 40202
Phone: 502-779-8185
Fax: 502-581-1087

REQUESTS FOR INFORMATION

1. Referring to Page 1, Lines 19-21 of Witness Higgins's Supplemental Testimony, what information does the Witness believe would be appropriate and or useful for the Commission to gather regarding energy efficiency efforts of industrial customers?

RESPONSE:

2. Referring to page 2, line 5 through 8 of Witness Higgins's testimony, is the witness suggesting that it is overly burdensome for industrial consumers to substantiate their energy efficiency efforts, or just to file the application with the Commission? Please explain.

RESPONSE:

3. Referring to page 2, line 3 through 5 of Witness Higgins's Supplemental Testimony, is it the Witness's opinion that the Kentucky Public Service Commission does not have the statutory authority to require industrial customers to verify their energy efficiency efforts as a precondition to opting out of a utility sponsored energy efficiency program?

RESPONSE:

4. Do the KIUC member companies keep track of the energy efficiency measures implemented (e.g. types of programs initiated, estimated energy savings, load reduction, etc.)?
 - a. If yes, please explain how this information is tracked.
 - b. If no, please explain why the member companies do not keep track of the energy efficiency measures they implement.

RESPONSE:

5. Has Witness Higgins performed a study or analysis which quantifies the costs (time, resources, money, etc.) of industrial customers substantiating their energy efficiency efforts?

RESPONSE:

6. What factors are considered by industrial customers in deciding whether to participate in a utility's energy efficiency program offerings or to implement an energy efficiency measure on their own? What are the levels and/or timing of paybacks and/or returns that are expected in choosing to implement energy efficiency programs?

RESPONSE:

7. Referring to page 2, line 9 of Witness Higgins's Supplemental Testimony, recommending each utility compile information and support a report on the efficiency efforts of industrial customers in their service territory, please explain why an industrial customer opting out of a utility's demand side management program should not be required to demonstrate that the customer has in fact implemented its own energy efficiency measures.

RESPONSE:

8. Referring to page 2, line 9 of Witness Higgins's Supplemental Testimony, recommending each utility compile information and support a report on the efficiency efforts of industrial customers in their service territory:
 - a. How does the witness recommend the utility acquire and compile such information?
 - b. How does the Witness recommend the costs of performing such a study and compiling such information be allocated? If the witness believes that such costs should be born by anyone other than the industrial customers, please explain why this is reasonable.
 - c. Would the witness support a process where the customer wishing to opt out of the utility energy efficiency program provides information to the utility regarding the energy efficiency measures which have been implemented?

RESPONSE:

CERTIFICATE OF SERVICE

I certify that a copy of the attached Requests for Information to the KIUC on behalf of Duke Energy Kentucky, Inc. has been served by UPS overnight mail to the following parties on this _____ day of April, 2008:

Paul D. Adams
Office of the Attorney General Utility &
Rate
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601

Lisa Kilkelly
Attorney at Law
Legal aid Society
416 West Muhammad Ali Boulevard
Suite 300
Louisville, KY 40202

Ronnie Thomas
Operation Superintendent
East Kentucky Power Cooperative
4775 Lexington Road
Winchester, KY 40392

Lonnie E. Bellar
Vice President – State Regulation
Kentucky Utilities Company
220 West Main Street
Louisville, KY 40202

Michael L. Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OH 45202

Joe F. Childers
Getty & Childers
1900 Lexington Financial Center
250 West Main Street
Lexington, KY 40507

Charles A. Lile
Senior Corporate Counsel
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
Winchester, KY 40392

Michael H. Core
President/CEO
Big Rivers Electric Corporation
201 third Street
Henderson, KY 42420

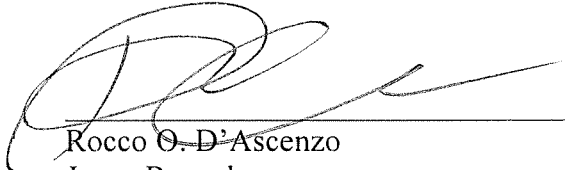
Timothy C. Mosher
President
Kentucky Power /American Electric Power
101A Enterprise Drive
Frankfort, KY 40602

John M. Dosker
General Counsel
Stand Energy Corporation
1077 Celestial Street
Building 3, Suite 110
Cincinnati, OH 45202

Mark R. Overstreet
Attorney at Law
Stites & Harbison
421 West Main Street
Frankfort, KY 40602

Tyson A. Kamuf
Attorney at Law
Sullivan, Mountjoy, Stainback & Miller,
PSC
100 St. Ann Street
Owensboro, KY 42302

Stephen A. Sanders
Appalachian Citizens Law Center, Inc.
52 Broadway
Suite B
Whitesburg, KY 41858


Rocco O. D'Ascenzo
Jason Renzelmann