

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

MAY 13 2008
PUBLIC SERVICE
COMMISSION

In the Matter of:

**APPLICATION OF DUKE ENERGY)
KENTUCKY, INC. TO RE-INSTITUTE A) CASE NO. 2008-00100
HOME ENERGY ASSISTANCE PROGRAM)**

ATTORNEY GENERAL'S MOTIONS

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (hereinafter the "Attorney General"), and moves the Commission to modify the procedural schedule in the above referenced matter to allow his office to propound additional data requests to the parties in the matter and to file amended comments on the proposed program.

In support of this request the Attorney General states that although the Company in its letter of May 5, 2008 claims that its proposed program was always intended to offer benefits to low income customers up to 200% of the federal poverty level, the Company's application and responses to data requests appear to conflict with this statement. In paragraph 6 of the Company's Motion to Amend, the Company clearly states that the proposed program will target customers at the 150-200% federal poverty guideline level. Additionally, in its responses to the Supplemental Data Requests of the Attorney General dated March 11, 2008, Question No. 2, the Company again reiterates that the proposed program targets customers at the 150-200% federal poverty guideline level. Again, in its responses to the Supplemental Data Requests of the Attorney General dated March 11, 2008, Question No. 3 which sought the income levels of proposed program participants, the Company provides income levels for proposed program participants including only data at the 150-200% federal poverty guideline level. Finally, in its

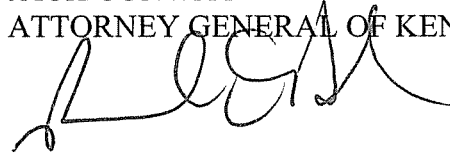
responses to the Supplemental Data Requests of the Attorney General dated March 11, 2008, Question No. 7 concerning the possibility of benefits overlap, the Company clearly states that the proposed HEA program targets customers at the 150-200% federal poverty guideline level. Clearly, the statements by the Company on record in the matter indicate that the “target” of the program would be those customers having incomes within the 150-200% federal poverty level.

However, the Company recently took the position that its program is intended to serve all low income customers up to 200% of the federal poverty guideline level rather than targeting just those at the 150-200% level. Given the discrepancies in the Company previous answers to his data requests, the Attorney General respectfully requests permission to propound additional data requests to the parties and attaches his supplemental data requests hereto.

The Attorney General also respectfully moves for permission to file amended comments in this matter and states that his office based its comments on the statements of the Company that the program targeted low income customers at the 150-200% federal poverty guideline level. However, as the Company now has “clarified” that its intent is that the program will serve all low income customers up to 200% of the federal poverty guideline level, the Attorney General would like to address this addition to the scope of the program as part of his filed comments.

Respectfully submitted,

JACK CONWAY
ATTORNEY GENERAL OF KENTUCKY



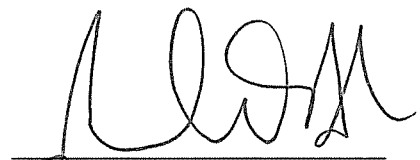
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CERTIFICATE OF SERVICE AND NOTICE OF FILING

I hereby give notice that this the 13th day of May, 2008, I have filed the original and ten copies of the foregoing with the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, 40601 and certify that this same day I have served the parties by mailing a true copy of same, postage prepaid, to those listed below.

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