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June 13, 2008

RECEIVED

JUN 16 2008

PUBLIC SERVICE
COMMISSION

Stephanie L. Stumbo
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40601

Re: Notice of Intervention on behalf of Cathy Cunningham, CDH Preserve LLC and Elizabeth R. Bennett;
The 2008 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company, Case No. 2008-00148

Dear Ms. Stumbo:

Enclosed please find the original and ten (10) copies of the Petition to Intervene on behalf of Cathy Cunningham, CDH Preserve LLC and Elizabeth R. Bennett in the above-referenced case.

If you have any questions, please contact me.

Very truly yours,


W. Henry Graddy, IV

WGH/pl

Enclosures: Petition to Intervene (original and 10 copies)

Cc: Cathy Cunningham
Elizabeth R. Bennett
Rick E. Lovekamp
Hon. Dennis G. Howard, II
Hon. Michael L. Kurtz
Geoffrey M. Young

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 16 2008

PUBLIC SERVICE
COMMISSION

In the Matter of:

THE 2008 JOINT INTEGRATED RESOURCE)
PLAN OF LOUISVILLE GAS AND) CASE NO.
ELECTRIC COMPANY AND KENTUCKY) 2008-00148
UTILITIES COMPANY)

CDH PRESERVE, LLC, DENNIS CUNNINGHAM,
CATHY CUNNINGHAM, AND ELIZABETH R. BENNETT
PETITION TO INTERVENE

Pursuant to KRS 278.310 and 807 KAR 5:001 Section 3(8), CDH PRESERVE, LLC, DENNIS CUNNINGHAM, CATHY CUNNINGHAM, and ELIZABETH R. BENNETT, by and through the undersigned counsel, respectfully move the Commission to be granted Full Intervenor status in the above-captioned proceeding, as follows:

1. The matter of intervention in any formal proceeding before the Commission is set forth in 807 KAR 5:001, Section 3(8)(b), which reads as follows:

(8) Intervention and parties. In any formal proceeding, any person who wishes to become a party to a proceeding before the commission may by timely motion request that he be granted leave to intervene. Such motion shall include his name and address and the name and address of any party he represents and in what capacity he is employed by such party.

(b) If a person granted leave to intervene desires to be served with filed testimony, exhibits, pleadings, correspondence and all other documents submitted by parties, and to be certified as a party for the purposes of receiving service of any

petition for rehearing or petition for judicial review, he shall submit in writing to the secretary a request for full intervention, which shall specify his interest in the proceeding. If the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by party is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention.

2. CDH PRESERVE, LLC, DENNIS CUNNINGHAM and CATHY CUNNINGHAM have a special interest in this proceeding not otherwise adequately represented. Dennis Cunningham and Cathy Cunningham are husband and wife and live at 2530 North Highway 11 SE, Elizabeth, Indiana, 47117. They have formed the limited liability company to own the property in Hardin County, in the name of CDH Preserve, LLC., which property is located at 2697 Bethlehem Academy Road, Cecilia, Kentucky. The Dennis and Cathy Cunningham purchased the first 46 acres in August, 2001, and they purchased an additional 104 acres in December, 2003. It is a beautiful rural landscape and they want to keep the farmland from being developed. They have 1/2 mile of road frontage on Bethlehem Academy Road, and 1/2 mile of road frontage on St. John's Road which makes up the 104 acres of prime farmland.

3. CDH PRESERVE, LLC, DENNIS CUNNINGHAM and CATHY CUNNINGHAM were granted Full Intervenor status in the related cases of PSC CASE No. 2005-00467 and CASE No. 2005-00472, and they were granted Full Intervenor Status in the earlier PSC CASE No. 2005-00142. These cases all involved the application of Louisville Gas & Electric Company ("LG&E") and Kentucky Utilities Company ("KU") for the construction of transmission facilities in Jefferson, Bullitt, Meade, and Hardin

Counties, Kentucky, proposed to cross the property of these Applicants for Intervention, where in each case, these Applicants for Intervention disputed the claim that such facilities were needed. These matters are currently on appeal, with motions for discretionary review filed by the PSC and by LG&E and KU and E.On U.S.A. LLC pending before the Kentucky Supreme Court.

4. CDH PRESERVE, LLC, DENNIS CUNNINGHAM and CATHY CUNNINGHAM are also the Defendants in litigation in Hardin County, Kentucky brought by KU seeking to condemn a right of way across their property – and through their nature preserve. These Defendants have challenged the claim of right to condemn their property while the Certificate of Public Convenience and Necessity for the transmission facilities is on appeal and on the basis that these facilities are not currently needed,

5. CDH PRESERVE, LLC, DENNIS CUNNINGHAM and CATHY CUNNINGHAM are customers and consumers of electrical power of KU.

6. ELIZABETH R. BENNETT is an attorney and in that capacity is currently assisting in representing other parties in litigation related to the issuance of an air quality permit from the Environmental and Public Protection Cabinet (“EPPC”) Division of Air Quality (“DAQ”) to E.On U.S.A. LLC, and LG&E form the proposed 750 MW nominal net (732 MW summer rating) supercritical, pulverized coal-fired base load generating unit to be located at the Trimble County Generating Station (“TC2”), which construction is predicted to add power that is the basis upon which LG&E and KU assert the need for the transmission facilities referenced above.

7. ELIZABETH R. BENNETT lives at 580 Garden Drive, Louisville, Kentucky, 40206, and is a customer and consumer of electrical power from LG&E.

8. KU and LG&E operate several power plants in Kentucky that emit various pollutants into the air. See the above reference to TC2. This proposed facility would be located proximate to an existing coal-fired power plant in Trimble County (“TC1”). In addition, KU and LG&E operate other plants that cause significant air pollution including the E.W. Brown Station in Mercer County, which has three old, coal-burning power plants with a combined capacity of 697 megawatts (MW), and the Tyrone Station in Woodford County, which has a 71-MW coal-burning power plant built in 1953. KU/LG&E also operate large, coal-burning power plants in Carroll County, Muhlenberg County, Jefferson County, as well as Trimble County. (*Kentucky’s Electric Infrastructure: Present and Future*, PSC, 2005, pp 15-16)

9. DENNIS CUNNINGHAM, CATHY CUNNINGHAM AND ELIZABETH R. BENNETT reside in areas that have, are and will continue to have poor air quality resulting from the coal-fired power plants of LG&E and KU and they have, and are, and will continue to be injured and aggrieved by the emissions from these facilities.

10. The environmental impacts of coal-fired power plants are massive. Burning coal in Kentucky’s power plants contributes to some of the worst air pollution in the Midwest. Louisville and southern Indiana across the river from Louisville, where the CUNNINGHAMS and BENNETT reside, and Northern Kentucky have some of the highest rates of respiratory disease, including childhood asthma, of any metropolitan area in the region. Mercury pollution from coal-burning power plants is a significant health problem, especially for fetuses and young children. In addition, the carbon dioxide released to the atmosphere when coal is burned contributes to global warming.

11. The subject of this proceeding concerns how KU/LG&E will meet its customers' projected needs for power and energy for the next 15 years. That issue is directly related to the amount of air pollution the utility's generating facilities will emit into the air over Kentucky. If KU/LG&E is able to meet a greater portion of these projected needs by means of demand-side and supply-side technologies that pollute less than coal-fired power plants, the environment will be safer for these Applicants. In addition, the transmission facilities proposed to be constructed through Hardin County across the above described nature preserve may not be needed, and the customers of KU and LG&E may save that unneeded expense.

12. The Kentucky Attorney General is granted Full Intervenor status to, among other things, protect the interest of the consumers and rate payers, and these Applicants do not seek to compete with that representation of that interest. However, the Kentucky Attorney General is not able to represent the interest of CDH PRESERVE LLC, THE CINNINGHAMS and BENNETT in having cleaner air to breathe, and in avoiding unneeded duplication of transmission facilities and a cluttering of the skies with same and in protecting natural areas.

13. Recently, the Brookings Institute released the *Blueprint for American Prosperity*, subtitled *Shrinking the Carbon Footprint of Metropolitan America*, which ranked the per capita carbon emission for the 100 metropolitan areas within the United States of America. Much to the surprise of many, Lexington Kentucky had the nation's highest per capita carbon emissions, with each resident responsible for emitting 3.455 metric tons per year. Following Indianapolis, the Cincinnati/Northern Kentucky area was

third in the nation, with 3.281 metric tons per year. Following Toledo, the Louisville/S. Indiana area was fifth in the nation, with 3.233 metric tons per year. See attached.

14. In this proceeding, LG&E and KU have submitted their 2008 Integrated Resource Plan. No other current party to this proceeding appears prepared to raise the need to reduce the carbon footprint of Kentucky customers and consumers of electrical power from these companies, yet this matter must be part of the consideration of the IRP.

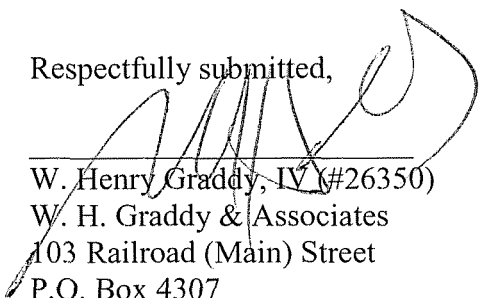
15. In this proceeding, in VOLUME III of the Application, LG&E and KU describe what they have called the “Aggressive Green Scenario.” In this Volume, they discuss the recently enacted Energy Independence and Security Act of 2007, and they discuss the Renewable Energy Portfolio Standard (RPS) that was part of the House version of the law but that was not in the enacted version. This scenario also contains a discussion of Carbon Capture and Sequestration (CCS). This scenario also discusses the decommissioning of some of the older power plants of these companies. No other current party to this proceeding appears prepared to advance these and other elements, including a more robust Demand Side Management (DSM) program, yet these matters must be part of the consideration of the IRP. The Commission will benefit from the participation of stronger advocates for many of the elements in the “Aggressive Green Scenario.”

16. These Applicants are aware that GEOFF YOUNG has also filed an application for Full Intervention. If granted, the undersigned is willing to consolidate this application with that of Mr. Young so that these two separate applications would only result in a single additional entity for purposes of service of pleadings and document production. The undersigned has discussed this matter with Mr. Young and believes that he agrees with this condition.

17. CDH PRESERVE, LLC, DENNIS CUNNINGHAM, CATHY CUNNINGHAM and ELIZABETH R. BENNETT intend to play a constructive role in the Commission's decision-making process and their participation will not prejudice any party.

WHEREFORE, CDH PRESERVE, LLC, DENNIS CUNNINGHAM, CATHY CUNNINGHAM and ELIZABETH R. BENNETT respectfully request to be granted Full Intervenor status in the above-captioned proceeding based upon a finding that they each have a special interest not adequately represented by other parties, and where they are able to help the Commission's decision-making process without prejudice to any party.

Respectfully submitted,



W. Henry Graddy, IV (#26350)

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CERTIFICATE OF SERVICE

I hereby certify that an original and ten copies of the foregoing Petition to Intervene were delivered to the office of Stephanie Stumbo, Executive Director of the Kentucky Public Service Commission, 211 Sower Boulevard, Frankfort, KY 40601, and that copies were mailed to the following parties on this 13th day of June, 2008.

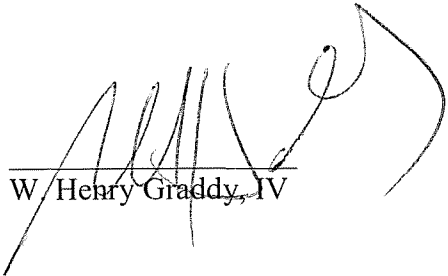
Rick E. Lovekamp
Manager, Regulatory Affairs
E.ON US Services, Inc.
220 West Main Street
Louisville, KY 40202

Honorable Dennis G. Howard II
Office of the Attorney General
Utility & Rate Intervention Division
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

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

Geoffrey M. Young
454 Kimberly Place
Lexington, KY 40503
Phone: 859-278-4966
E-mail: energetic@windstream.net

This the 13 day of June, 2008



W. Henry Graddy, IV

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Blueprint for American Prosperity
Unleashing the Potential of a Metropolitan Nation



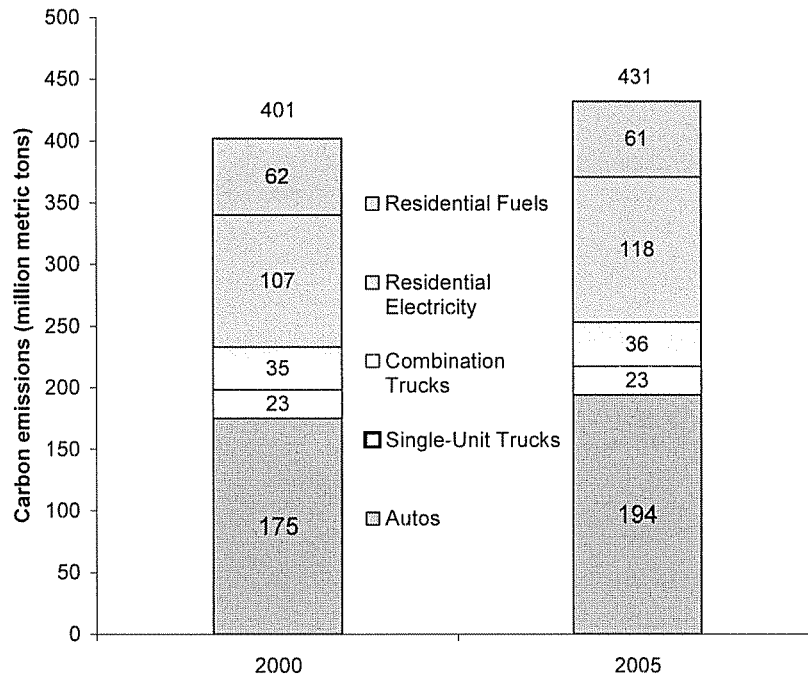
**SHRINKING THE CARBON FOOTPRINT
OF METROPOLITAN AMERICA**

By
Marilyn A. Brown
Frank Southworth
Andrea Sarzynski

May 2008

B | Metropolitan Policy Program
at BROOKINGS

FIGURE 6
The Nation's 100 Largest Metro Areas Produced 431 Million Metric Tons of Carbon from Highway Transport and Residential Buildings in 2005, Up from 401 Million Metric Tons in 2000



Source: Authors' calculations

In the 100 metro areas and the nation at large, carbon emissions grew faster for auto transport and residential electricity use than for freight travel and residential fuels.

Trenton, NJ, and Chattanooga, TN, saw the most growth in both total carbon emissions and per capita footprints.⁵¹ Youngstown, OH, and Grand Rapids, MI, conversely, each saw their carbon footprints decline by 14 percent during the five-year period—the largest declines in the 100 metro areas. Riverside, CA, Bakersfield, CA, and El Paso, TX, also reduced their per capita footprints by more than 10 percent despite increasing their total emissions.

Reversing the rising trend in emissions—as many climate scientists warn must happen to mitigate the effects of climate change—poses a distinct challenge for many metro areas and the nation as a whole. Based on data for these two points in time, metropolitan America is constraining the growth of its carbon footprints better than nonmetropolitan areas.

3. Per capita carbon emissions vary substantially by metro area

In 2005, per capita carbon emissions were highest in Lexington, KY, and lowest in Honolulu. The average resident in Lexington emitted 2.5 times more

carbon from transport and residences in 2005 than the average resident in Honolulu, at 3.46 metric tons compared with 1.36 metric tons.

This variation is even more striking when adjusting for a metro area's economic output, or gross metropolitan product (GMP)—an indicator of *carbon intensity*. In this case, the carbon footprints range from a high of 97.6 million metric tons of carbon per dollar GMP in Youngstown, OH, to a low of 22.5 million metric tons per dollar GMP in San Jose, CA—more than a four-fold difference.

In other contrasts, residents in Nashville and St. Louis emitted twice as much carbon from transport and residences, on average, than residents in San Jose, CA, or Seattle. (Appendix A ranks the full set of 100 metro areas by their per capita emissions in 2005.)

APPENDIX A: CARBON FOOTPRINT RESULTS FOR 100 METROPOLITAN AREAS

TABLE A1
Per Capita Carbon Emissions from Transportation and Residential Energy Use, 2005

Metropolitan Area	Rank	Carbon Footprint (metric tons)
Honolulu, HI	1	1.356
Los Angeles-Long Beach-Santa Ana, CA	2	1.413
Portland-Vancouver-Beaverton, OR-WA	3	1.446
New York-Northern New Jersey-Long Island, NY-NJ-PA	4	1.495
Boise City-Nampa, ID	5	1.507
Seattle-Tacoma-Bellevue, WA	6	1.556
San Jose-Sunnyvale-Santa Clara, CA	7	1.573
San Francisco-Oakland-Fremont, CA	8	1.585
El Paso, TX	9	1.613
San Diego-Carlsbad-San Marcos, CA	10	1.630
Oxnard-Thousand Oaks-Ventura, CA	11	1.754
Sacramento--Arden-Arcade--Roseville, CA	12	1.768
Greenville, SC	13	1.859
Rochester, NY	14	1.908
Chicago-Naperville-Joliet, IL-IN-WI	15	1.965
Buffalo-Niagara Falls, NY	16	1.995
Tucson, AZ	17	2.000
Las Vegas-Paradise, NV	18	2.013
Stockton, CA	19	2.016
Boston-Cambridge-Quincy, MA-NH	20	2.024
Phoenix-Mesa-Scottsdale, AZ	21	2.072
Fresno, CA	22	2.076
Lancaster, PA	23	2.091
New Haven-Milford, CT	24	2.097
Poughkeepsie-Newburgh-Middletown, NY	25	2.133
Colorado Springs, CO	26	2.134
Philadelphia-Camden-Wilmington, PA-NJ-DE-MD	27	2.137
Miami-Fort Lauderdale-Miami Beach, FL	28	2.156
New Orleans-Metairie-Kenner, LA	29	2.162
Bridgeport-Stamford-Norwalk, CT	30	2.181
Cleveland-Elyria-Mentor, OH	31	2.235
Riverside-San Bernardino-Ontario, CA	32	2.257
San Antonio, TX	33	2.270
Pittsburgh, PA	34	2.276
Houston-Baytown-Sugar Land, TX	35	2.292
Virginia Beach-Norfolk-Newport News, VA-NC	36	2.340
Detroit-Warren-Livonia, MI	37	2.350
Albuquerque, NM	38	2.355
Allentown-Bethlehem-Easton, PA-NJ	39	2.364
Providence-New Bedford-Fall River, RI-MA	40	2.368
Hartford-West Hartford-East Hartford, CT	41	2.381
Denver-Aurora, CO	42	2.392
Charleston-North Charleston, SC	43	2.429
Milwaukee-Waukesha-West Allis, WI	44	2.436
Minneapolis-St. Paul-Bloomington, MN-WI	45	2.440
Springfield, MA	46	2.446
Tampa-St. Petersburg-Clearwater, FL	47	2.499
Baton Rouge, LA	48	2.511
Worcester, MA	49	2.517
Salt Lake City, UT	50	2.522

Metropolitan Area	Rank	Carbon Footprint (metric tons)
Albany-Schenectady-Troy, NY	51	2.524
Columbia, SC	52	2.534
Bakersfield, CA	53	2.540
Orlando, FL	54	2.551
Austin-Round Rock, TX	55	2.567
Greensboro-High Point, NC	56	2.576
Dallas-Fort Worth-Arlington, TX	57	2.582
Portland-South Portland-Biddeford, ME	58	2.599
Palm Bay-Melbourne-Titusville, FL	59	2.604
Grand Rapids-Wyoming, MI	60	2.609
Durham, NC	61	2.610
Akron, OH	62	2.637
Scranton--Wilkes-Barre, PA	63	2.660
Trenton-Ewing, NJ	63	2.660
Omaha-Council Bluffs, NE-IA	65	2.676
Wichita, KS	66	2.681
Syracuse, NY	67	2.682
Atlanta-Sandy Springs-Marietta, GA	67	2.682
Baltimore-Towson, MD	69	2.714
Cape Coral-Fort Myers, FL	70	2.739
Lansing-East Lansing, MI	71	2.754
Charlotte-Gastonia-Concord, NC-SC	72	2.757
Youngstown-Warren-Boardman, OH-PA	73	2.758
Des Moines, IA	74	2.765
Dayton, OH	75	2.769
Raleigh-Cary, NC	76	2.795
Memphis, TN-MS-AR	77	2.870
Augusta-Richmond County, GA-SC	78	2.885
Birmingham-Hoover, AL	79	2.901
Jacksonville, FL	80	2.905
Madison, WI	81	2.914
Sarasota-Bradenton-Venice, FL	81	2.914
Columbus, OH	83	2.952
Kansas City, MO-KS	84	2.969
Little Rock-North Little Rock, AR	85	3.009
Richmond, VA	86	3.039
Jackson, MS	87	3.063
Chattanooga, TN-GA	88	3.110
Washington-Arlington-Alexandria, DC-VA-MD-WV	89	3.115
Tulsa, OK	90	3.124
Knoxville, TN	91	3.134
Harrisburg-Carlisle, PA	92	3.190
Oklahoma City, OK	93	3.204
St. Louis, MO-IL	94	3.217
Nashville-Davidson--Murfreesboro, TN	95	3.222
Louisville, KY-IN	96	3.233
Toledo, OH	97	3.240
Cincinnati-Middletown, OH-KY-IN	98	3.281
Indianapolis, IN	99	3.364
Lexington-Fayette, KY	100	3.455
Average Footprint for the 100 Largest Metro Areas		2.235
<i>Source: Authors' calculations</i>		