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November 13, 2008

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PUBLIC SERVICE
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Ms. Stephanie L. Stumbo
Executive Director
Kentucky Public Service Commission
211 Sower Blvd
Frankfort, Ky 40601

**RE: Case No. 2008-169, In the Matter of: Interconnection and Net Metering Guidelines
For Retail Electric Suppliers and Qualifying Customer-owned Generators**

Dear Ms. Stumbo:

Duke Energy Kentucky, Inc. (“Duke Energy Kentucky”) respectfully submits this letter in support of the comments filed by Kentucky Utilities Company (“KU”) and Louisville Gas & Electric (“LG&E”) in the above referenced proceeding. Duke Energy Kentucky agrees that the characterization of the Net Metering Guidelines as a tariff as described in the Commission’s November 3, 2008 Memorandum is inappropriate and contrary to the directive set forth in Amended Kentucky Revised Statute (“KRS”) 278.467(2).

As indicated in its May 28, 2008 Order, the Commission initiated the above styled case to “establish interconnection and net metering guidelines in accordance with Senate Bill 83.”¹ Senate Bill 83, and specifically KRS §278.467(2) require that interconnection and net metering *guidelines* be established by the Kentucky Public Service Commission within 180 days of the bills effective date, not a tariff.² The creation of a tariff by the jurisdictional utilities is a separate and distinct requirement set forth in KRS §278.467(3), and is a derivative of the requirement by the Commission to develop the guidelines.³

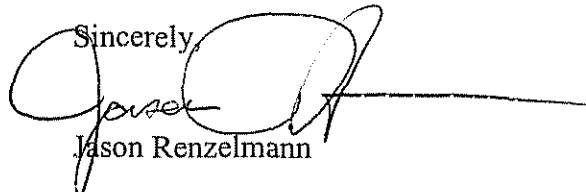
¹ *In the matter of: Interconnection and Net Metering Guidelines for Retail Electric Suppliers and Qualifying Customer-Owned Generators*, (Case No 2008-169 (Order at 1) (May 29, 2008).

² *Ky. Rev Stat Ann 278.467(2). Emphasis added*

³ *Ky Rev Stat Ann 278.467(3)*

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For the reasons set forth in the comments submitted by KU and LG&E, Duke Energy Kentucky agrees that the characterization of the proposed guidelines as a tariff is contrary to KRS 278.467 and should be amended.

Sincerely,

Jason Renzelmann

cc: Parties of Record

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