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Dianne B. Kuhnell  
Senior Paralegal

**VIA OVERNIGHT DELIVERY**

July 14, 2009

**RECEIVED**

**JUL 15 2009**

**PUBLIC SERVICE  
COMMISSION**

Mr. Jeff Derouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Blvd  
Frankfort, KY 40601

Re: Application of Duke Energy Kentucky, Inc. for Approval of Energy Efficiency Plan Including  
and Energy Efficiency Rider and Portfolio of Energy Efficiency Programs  
Case No. 2008-00495

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Dear Mr. Derouen:

Enclosed is an original and twelve copies of Duke Energy Kentucky's Motion in the above referenced case.

Please date-stamp and return the extra copies of each of the Motion and cover sheets and return in the enclosed self-addressed overnight envelope.

Sincerely,

Dianne B. Kuhnell  
Senior Paralegal

cc: Hon. Dennis G. Howard (w/ encl.)  
Hon. Michael L. Kurtz (w/ encl.)  
Hon. Anita Mitchell (w/ encl.)  
Hon. Mark David Goss (w/ encl.)

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

Application of Duke Energy Kentucky, Inc. )  
for Approval of Energy Efficiency Plan Including ) Case No. 2008-00495  
an Energy Efficiency Rider and Portfolio of )  
Energy Efficiency Programs )

**RECEIVED**  
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**DUKE ENERGY KENTUCKY, INC.'S MOTION TO ESTABLISH  
A PROCEDURAL SCHEDULE AND DATE FOR HEARING**

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Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky), and hereby respectfully requests that the Kentucky Public Service Commission (Commission) establish a procedural schedule, including an evidentiary hearing date, in the above-styled proceeding.

Duke Energy Kentucky filed its Application for Approval of an Energy Efficiency Plan Including an Energy Efficiency Rider and Portfolio of Energy Efficiency Programs on December 1, 2008, requesting the matter be set for hearing. On February 13, 2009, the Commission issued an Order, which among other things, suspended the implementation of Duke Energy Kentucky's proposal through August 31, 2009, and established a procedural schedule that provided for two rounds of discovery and the submission of intervenor testimony. The procedural schedule, however, left several dates to be determined, including the hearing date, notice publication date, and simultaneous briefing schedule.

The procedural schedule as originally set forth in the February 13, 2009, Order has now run its course. Duke Energy Kentucky requests the Commission establish a new procedural schedule that includes a hearing date and a date for the submission of simultaneous briefs. Because discovery has concluded and intervenor testimony has been filed, Duke Energy

Kentucky respectfully requests the Commission establish an expedited schedule. However, due to scheduled hearings in other jurisdictions that impact witness availability here, Duke Energy Kentucky asks that the Commission set the hearing in this matter to commence after August 21, 2009.

WHEREFORE, Duke Energy Kentucky respectfully requests the Kentucky Public Service Commission issue a procedural schedule in the above-styled matter that includes dates for an evidentiary hearing and the simultaneous submission of briefs.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.




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Of Counsel:  
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Lexington, Kentucky 40507-1749

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Duke Energy Kentucky, Inc.'s Motion to Establish Procedural Schedule and Date for Hearing was served on the following by overnight mail, this 14<sup>th</sup> day of July 2009.

  
\_\_\_\_\_  
Amy B. Spiller

Hon. Dennis G. Howard, II  
Hon. Paul Adams  
Assistant Attorneys General  
1024 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601

Hon. Michael L. Kurtz  
Attorney at Law  
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36 East Seventh Street  
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Counsel for Kroger Company

Hon. Anita Mitchell  
Kentucky Public Service Commission  
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