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Anita M. Schafer
Sr. Paralegal

VIA OVERNIGHT DELIVERY

October 16, 2009

RECEIVED

OCT 19 2009

PUBLIC SERVICE
COMMISSION

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

Re: In the Matter of Duke Energy Kentucky, Inc. for Approval of Energy Efficiency Plan
Including An Energy Efficiency Rider and Portfolio of Energy Efficiency Programs
Case No. 2008-495

Dear Mr. Derouen:

Enclosed please find being sent by overnight mail an original and twelve copies of the Duke Energy Kentucky, Inc.'s Response to Motion to Modify Procedural Schedule filed by The Kroger Co. to be filed in the above captioned case.

Please date-stamp the extra two copies of this letter and the Response and return to me in the enclosed envelope.

Sincerely,

Anita Schafer
Senior Paralegal

cc: Dennis Howard II
Michael L. Kurtz

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY PUBLIC SERVICE COMMISSION

In the Matter of Duke Energy Kentucky, Inc. for Approval) Case No. 2008-495
Of Energy Efficiency Plan Including An Energy)
Efficiency Rider Efficiency Rider And Portfolio Of)
Energy Efficiency Programs)

**DUKE ENERGY KENTUCKY, INC.'S RESPONSE TO
MOTION TO MODIFY PROCEDURAL SCHEDULE
FILED BY THE KROGER CO.**

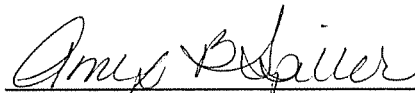
Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), pursuant to KAR 5:058 Section 10 and Section 11, respectfully files a response with the Kentucky Public Service Commission (Commission) to the procedural schedule proposed by The Kroger Co. (Kroger) on October 12, 2009. Duke Energy Kentucky agrees that the hearing in this case should be rescheduled from the December 15, 2009 date ordered in the October 8, 2009 procedural schedule. In its October 12, 2009, filing, Kroger proposed alternative dates for the hearing of this matter; said dates ranging between November 30 and December 4, 2009, and December 10 and 11, 2009. The dates proposed by Kroger were suggested without first seeking input from Duke Energy Kentucky, the Applicant in the above styled-proceeding. Unfortunately, Duke Energy Kentucky has internal conflicts on the dates proposed by Kroger; said conflicts affecting the Company's counsel and several witnesses already committed to a rate case hearing in South Carolina (See Attachment A).

In an effort to determine dates that coincide with all witnesses schedules in this proceeding Duke Energy Kentucky contacted Kroger to discuss new possible dates.¹

With the agreement of Kroger, Duke Energy Kentucky proposes that the hearing in this matter be scheduled for January 14, and 15, 2010 or, in the alternative, February 17 and 18, 2010.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.



Rocco D'Ascenzo (92796)

Senior Counsel

Amy B. Spiller (85309)

Associate General Counsel

139 East Fourth Street, Room 25 AT II

Cincinnati, OH 45202

Phone: (513) 419-1852

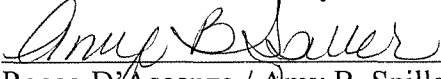
Fax: (513) 419-1846

e-mail: rocco.d'ascenzo@duke-energy.com

¹ On October 15, 2009, Duke Energy Kentucky attempted to contact the Attorney General to determine His availability for the new recommended dates. The Attorney General has not responded at the time of this filing.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Duke Energy Kentucky, Inc.'s Response the Motion to Modify Procedural Schedule Filed by The Kroger Co. was served on the following by overnight mail, this 16th day of October 2009.


Rocco D'Ascenzo / Amy B. Spiller

Honorable Dennis G. Howard, II
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601

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



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Parties Matters Orders Timeline Hearings Service List Email List Docket Card Labels

Docket 2009-226-E	
Opened On	Wednesday, June 3, 2009
Status	Open
Industry	Electric
Summary	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges

Applicants		
Duke Energy Carolinas, LLC	Post Office Box 1006 Charlotte, NC 28201	Phone: Fax:

Representatives		
<i>Representing Duke Energy Carolinas, LLC</i> Bonnie D. Shealy Robinson, McFadden & Moore, P.C. Title: Counsel	Post Office Box 944 Columbia , SC 29202	Phone: 803-779-8900 Fax: 803-252-0724 bshealy@robinsonlaw.com
<i>Representing Duke Energy Carolinas, LLC</i> Catherine E. Heigel Duke Energy Carolinas, LLC Title: Associate General Counsel	Post Office Box 1006, EC03T Charlotte, NC 28201-1066	Phone: 704-382-8123 Fax: 704-382-5690 ceheigel@duke-energy.com
<i>Representing Duke Energy Carolinas, LLC</i> Frank R. Ellerbe, III Robinson, McFadden & Moore, P.C. Title: Counsel	Post Office Box 944 Columbia, SC 29202	Phone: 803-779-8900 Fax: 803-252-0724 fellerbe@robinsonlaw.com
<i>Representing Environmental Defense Fund</i> J. Blanding Holman, IV Southern Environmental Law Center Title: Counsel	Post Office Box 609 Charleston, SC 29402	Phone: 843-720-5270 Fax: 843-720-5240 Bholman@selcsc.org
<i>Representing The Natural Resource Defense Council</i> J. Blanding Holman, IV Southern Environmental Law Center Title: Counsel	Post Office Box 609 Charleston, SC 29402	Phone: 843-720-5270 Fax: 843-720-5240 Bholman@selcsc.org
<i>Representing South Carolina Coastal Conservation League</i> J. Blanding Holman, IV Southern Environmental Law Center Title: Counsel	Post Office Box 609 Charleston, SC 29402	Phone: 843-720-5270 Fax: 843-720-5240 Bholman@selcsc.org
<i>Representing Southern Alliance for Clean Energy</i> J. Blanding Holman, IV Southern Environmental Law Center Title: Counsel	Post Office Box 609 Charleston, SC 29402	Phone: 843-720-5270 Fax: 843-720-5240 Bholman@selcsc.org

<i>Representing Southern Environmental Law Center</i> J. Blanding Holman, IV Southern Environmental Law Center Title: Counsel	Post Office Box 609 Charleston, SC 29402	Phone: 843-720-5270 Fax: 843-720-5240 Bholman@selcsc.org
<i>Representing Office of Regulatory Staff</i> Jeffrey M. Nelson Office of Regulatory Staff Title: Counsel	1401 Main Street, Suite 900 Columbia, SC 29201	Phone: 803-737-0800 Fax: 803-737-0895 jnelson@regstaff.sc.gov
<i>Representing Duke Energy Carolinas, LLC</i> Lara Simmons Nichols Duke Energy Carolinas, LLC Title: Associate General Counsel	Duke Energy Corporation Post Office Box 1006, EC03T Charlotte, NC 28201-1006	Phone: 704-382-9960 Fax: 704-382-5690 lsnichols@duke-energy.com
<i>Representing The South Carolina Green Party</i> Rolf Baghdady The South Carolina Green Party Title: Counsel	Rolf Baghdady, P.A. 118 Cobblestone Court Chapin, SC 29036	Phone: 803-345-7653 Fax: 803-345-0180 rolf@rolfbaghdady.com
<i>Representing South Carolina Energy Users Committee</i> Scott Elliott Elliott & Elliott, P.A. Title: Esquire	721 Olive Street Columbia, SC 29205	Phone: 803-771-0555 Fax: 803-771-8010 selliot@elliottlaw.us
<i>Representing Office of Regulatory Staff</i> Shannon Bowyer Hudson Office of Regulatory Staff Title: Counsel	1401 Main Street, Suite 900 Columbia, SC 29201	Phone: 803-737-0800 Fax: 803-737-0895 shudson@regstaff.sc.gov
<i>Representing Office of Regulatory Staff</i> Shealy Boland Reibold Office of Regulatory Staff Title: Counsel	1401 Main Street, Suite 900 Columbia, SC 29201	Phone: 803-737-0800 Fax: 803-737-0895 sreibol@regstaff.sc.gov

Intervenors

Environmental Defense Fund	4000 Westchase Boulevard, Suite 510 Raleigh, NC 27607	Phone: Fax:
Office of Regulatory Staff	1401 Main Street, Suite 900 Columbia, SC 29201	Phone: 803-737-0800 Fax: 803-737-0801
South Carolina Coastal Conservation League	Post Office Box 1765 Charleston, SC 29402	Phone: Fax:
South Carolina Energy Users Committee	,	Phone: Fax:
Southern Alliance for Clean Energy	Post Office Box 1842 Knoxville, TN 37901-1842	Phone: Fax:
Southern Environmental Law Center	201 West Main Street Charlottesville, VA 22902	Phone: 434-977-4090 Fax: 434-977-1483
The Natural Resource Defense Council	40 West 20th Street New York, NY 10011	Phone: Fax:
The South Carolina Green Party	,	Phone: Fax:

Protestants

John F. Wiebel {No Organization Name Listed}	105 Mansion Circle Piedmont, SC 29673	Phone: Fax:
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Matters (showing 25 most recent, to see all click here)				
MatterID	Type	Summary	Date	PDF(s)
219705	Notice	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Notice of Public Hearing <i>On behalf of: Docketing Department</i>	10/16/2009	Notice of Public Hearing
219706	Notice	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Notice of Public Hearing <i>On behalf of: Docketing Department</i>	10/16/2009	Notice of Public Hearing
219707	Transmittal Letter	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Transmittal Letter <i>On behalf of: Docketing Department</i>	10/16/2009	Transmittal Letter
219708	Transmittal Letter	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Transmittal Letter <i>On behalf of: Docketing Department</i>	10/16/2009	Transmittal Letter
219695	Directive	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Commission Directive - Supplemental Agenda Item # 1 - Discuss with the Commission Scheduling Public Hearings in Spartanburg, Greenville and Greenwood Counties <i>On behalf of: Docketing Department</i>	10/15/2009	Directive
219483	Petition	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Petition to Intervene <i>On behalf of: The South Carolina Green Party</i>	10/1/2009	Scanned Matter
219412	Supplemental Exhibit	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Corrected Pages to Shrum Supplemental Exhibit 1 <i>On behalf of: Duke Energy Carolinas, LLC</i>	9/30/2009	Cover Sheet Corrected Pages Cover Sheet
		Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Petition to Intervene <i>On behalf of: Environmental</i>		SELC SACE NRDC CCL EDF

219362	Petition	<i>Defense Fund, Natural Resources Defense Council, South Carolina Coastal Conservation League, Southern Alliance for Clean Energy, and the Southern Environmental Law Center</i>	9/25/2009	Petition to Intervene Cover Sheet
219368	Testimony	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Supplemental Direct Testimony and Exhibits of James L. Turner (Public Exhibits) and Carol E. Shrum <i>On behalf of: Duke Energy Carolinas, LLC</i>	9/25/2009	Docket Cover Sheet Turner Supplemental Testimony and Public Exhibits Shrum Supplemental Testimony and Exhibit Cover Sheet
219369	Testimony	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Supplemental Testimony and Exhibits Jeffrey R. Bailey and Jane L. McManeus <i>On behalf of: Duke Energy Carolinas, LLC</i>	9/25/2009	Docket Cover Sheet Bailey Supplemental Testimony and Exhibit McManeus Supplemental Testimony and Exhibits Cover Sheet
219275	Request	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Comments and Letter Requesting That the Commission Schedule a Public Hearing in Greenwood County <i>On behalf of: Robert M. Escoe</i>	9/23/2009	Scanned Matter
219255	Letter	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Letter Requesting That the Commission Schedule a Public Hearing in Greenville County <i>On behalf of: Donald F. Cuddiebee, Sr.</i>	9/22/2009	Scanned Matter
219141	Comments	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Comments <i>On behalf of: Kathryn Plyer</i>	9/16/2009	Scanned Matter
218808	Comments	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Comments <i>On behalf of: Jim Wilson</i>	8/28/2009	Scanned Matter
218724	General Matter	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Notice of Appearance of Counsel	8/24/2009	Notice of Appearance Cover Sheet

		Frank R. Ellerbe, III <i>On behalf of: Duke Energy Carolinas, LLC</i>		Scanned Matter
218710	Publisher's Affidavit	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Proof of Publication Posted in the Charlotte Observer Publishing Company in Mecklenburg County, Independent-Mail in Anderson County, Greenville News in Greenville County and the Spartanburg Herald-Journal in Spartanburg County Newspapers <i>On behalf of: Duke Energy Carolinas, LLC</i>	8/21/2009	Rate Case Affidavits Cover Sheet
218711	Comments	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Comments <i>On behalf of: John G. Senn, III</i>	8/21/2009	Scanned Matter
218498	Comments	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Comments <i>On behalf of: Lois J. Brooks</i>	8/11/2009	Scanned Matter
218470	Comments	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Comments <i>On behalf of: Alan Y. Cannon</i>	8/7/2009	Scanned Matter
218426	Petition	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Petition to Intervene <i>On behalf of: South Carolina Energy Users Committee</i>	8/6/2009	Letter, Petition to Intervene, COS Cover Sheet
218402	Comments	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Comments <i>On behalf of: Rev. Tommy Tucker</i>	8/6/2009	Scanned Matter
218415	Directive	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Commission Directive - Agenda Item #12 - Discuss with the Commission the Approval of a Motion for Admission Pro Hac Vice for Lara Simmons Nichols on Behalf of Duke Energy Carolinas, LLC <i>On behalf of: Docketing Department</i>	8/5/2009	Directive

218244	Comments	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Comments <i>On behalf of: Richard and Diana Roth</i>	7/30/2009	Scanned Matter
218248	Comments	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Comments <i>On behalf of: Joseph J. Di Marco, Jr.</i>	7/30/2009	Scanned Matter
218254	Prefile Testimony Letter	Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges - Prefile Testimony Letter <i>On behalf of: Docketing Department</i>	7/30/2009	Prefile Letter

(showing 25 most recent, to see all [click here](#))

Orders

Order#	Summary	Date	PDF(s)
2009-526	Order Granting Admission Pro Hac Vice - Application of Duke Energy Carolinas, LLC for Authority to Adjust and Increase Its Electric Rates and Charges	8/5/2009	Order Number 2009-526

Timeline

Event	Date
Application Received	7/27/09
Application Received	7/27/09
Issue Final Order	1/27/10
Issue Final Order	1/27/10
Proof Pub Due For Merits Hearing	9/14/09
Proof Pub Due For Merits Hearing	9/14/09
Return Date	9/25/09
Return Date	9/25/09
Applicant/Complainant/Petitioner Testimony Due	
All Other Parties Due Date	10/26/09
Rebuttal Testimony Due Date	11/5/09
Surrebuttal Testimony Due Date	11/12/09
Applicant/Complainant/Petitioner Testimony Due	
All Other Parties Due Date	10/26/09
Rebuttal Testimony Due Date	11/5/09
Surrebuttal Testimony Due Date	11/12/09



Hearings

Date	Status	Notes
Monday, November 30, 2009 @ 10:30 AM	Scheduled	
Tuesday, December 1, 2009 @ 10:30 AM	Scheduled	continued as necessary - start time is at the call of the Chairman
Wednesday, December 2, 2009	Scheduled	continued as necessary - start time is at

@ 10:30 AM		the call of the Chairman
Thursday, December 3, 2009 @ 10:30 AM	Scheduled	continued as necessary - start time is at the call of the Chairman
Friday, December 4, 2009 @ 10:30 AM	Scheduled	continued as necessary - start time is at the call of the Chairman
Monday, December 7, 2009 @ 10:30 AM	Scheduled	continued as necessary - start time is at the call of the Chairman
Wednesday, December 9, 2009 @ 10:30 AM	Scheduled	continued as necessary - start time is at the call of the Chairman
Thursday, December 10, 2009 @ 10:30 AM	Scheduled	continued as necessary - start time is at the call of the Chairman
Tuesday, December 8, 2009 @ 10:30 AM	Scheduled	continued as necessary - start time is at the call of the Chairman
Friday, December 11, 2009 @ 10:30 AM	Scheduled	continued as necessary - start time is at the call of the Chairman
Tuesday, November 24, 2009 @ 6:00 PM	Scheduled	PUBLIC HEARING
Thursday, November 19, 2009 @ 6:00 PM	Scheduled	PUBLIC HEARING
Monday, November 23, 2009 @ 6:00 PM	Scheduled	PUBLIC HEARING