

**BOEHM, KURTZ & LOWRY**

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**RECEIVED**

AUG 19 2009

PUBLIC SERVICE  
COMMISSION

**Via Overnight Mail**

August 18, 2009

Mr. Jeff Derouen, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

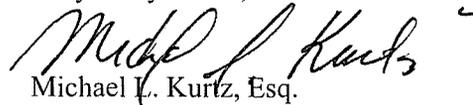
**Re: Case No. 2009-00197**

Dear Mr. Derouen:

Please find enclosed the original and twelve (12) copies of the FIRST SET OF DATA REQUESTS OF KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. TO KENTUCKY UTILITIES COMPANY filed in the above-referenced matter. By copy of this letter, all parties listed on the Certificate of Service have been served.

Please place this document of file.

Very Truly Yours,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

**BOEHM, KURTZ & LOWRY**

ML Kkew  
Attachment

cc: Certificate of Service

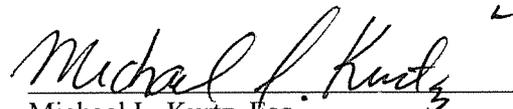
**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy via electronic mail (when available) and by first-class postage prepaid mail, to all parties on the 18<sup>th</sup> day of August, 2009

Lonnie E Bellar  
E.ON U.S. Services, Inc.  
220 West Main Street  
Louisville, KY 40202

Robert M Conroy  
Director, Rates  
Kentucky Utilities Company  
220 West Main Street  
P. O. Box 32010  
Louisville, KY 40202

Honorable Kendrick R Riggs  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KY 40202-2828

  
\_\_\_\_\_  
Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.



## DEFINITIONS

1. “Document” means the original and all copies (regardless of origin and whether or not including additional writing thereon or attached thereto) of memoranda, reports, books, manuals, instructions, directives, records, forms, notes, letters, notices, confirmations, telegrams, pamphlets, notations of any sort concerning conversations, telephone calls, meetings or other communications, bulletins, transcripts, diaries, analyses, summaries, correspondence investigations, questionnaires, surveys, worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing, in whatever form, stored or contained in or on whatever medium, including computerized memory or magnetic media.
2. “Study” means any written, recorded, transcribed, taped, filmed, or graphic matter, however produced or reproduced, either formally or informally, a particular issue or situation, in whatever detail, whether or not the consideration of the issue or situation is in a preliminary stage, and whether or not the consideration was discontinued prior to completion.
3. “Person” means any natural person, corporation, professional corporation, partnership, association, joint venture, proprietorship, firm, or the other business enterprise or legal entity.
4. A request to identify a natural person means to state his or her full name and residence address, his or her present last known position and business affiliation at the time in question.
5. A request to identify a document means to state the date or dates, author or originator, subject matter, all addressees and recipients, type of document (e.g., letter, memorandum, telegram, chart, etc.), number of code number thereof or other means of identifying it, and its present location and custodian. If any such document was, but is no longer in the Company’s possession or subject to its control, state what disposition was made of it.
6. A request to identify a person other than a natural person means to state its full name, the address of its principal office, and the type of entity.
7. “And” and “or” should be considered to be both conjunctive and disjunctive, unless specifically stated otherwise.
8. “Each” and “any” should be considered to be both singular and plural, unless specifically stated otherwise.
9. Words in the past tense should be considered to include the present, and words in the present tense include the past, unless specifically stated otherwise.
10. “You” or “your” means the person whose filed testimony is the subject of these interrogatories and, to the extent relevant and necessary to provide full and complete answers to any request, “you” or “your” may be deemed to include any person with information relevant to any interrogatory who is or was employed by or otherwise associated with the witness or who assisted, in any way, in the preparation of the witness’ testimony.
11. “Company” means Kentucky Utilities Company (KU) and/or any of their officers, directors, employees or agents who may have knowledge of the particular matter addressed.

## INSTRUCTIONS

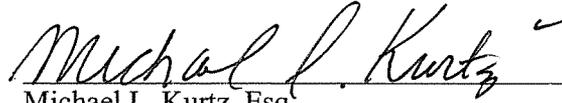
1. If any matter is evidenced by, referenced to, reflected by, represented by, or recorded in any document, please identify and produce for discovery and inspection each such document.
2. These interrogatories are continuing in nature, and information which the responding party later becomes aware of, or has access to, and which is responsive to any request is to be made available to Kentucky Industrial Utility Customers. Any studies, documents, or other subject matter not yet completed that will be relied upon during the course of this case should be so identified and provided as soon as they are completed. The Respondent is obliged to change, supplement and correct all answers to interrogatories to conform to available information, including such information as it first becomes available to the Respondent after the answers hereto are served.
3. Unless otherwise expressly provided, each interrogatory should be construed independently and not with reference to any other interrogatory herein for purpose of limitation.
4. The answers provided should first restate the question asked and also identify the person(s) supplying the information.
5. Please answer each designated part of each information request separately. If you do not have complete information with respect to any interrogatory, so state and give as much information as you do have with respect to the matter inquired about, and identify each person whom you believe may have additional information with respect thereto.
6. In the case of multiple witnesses, each interrogatory should be considered to apply to each witness who will testify to the information requested. Where copies of testimony, transcripts or depositions are requested, each witness should respond individually to the information request.
7. The interrogatories are to be answered under oath by the witness(es) responsible for the answer.
8. Responses to requests for revenue, expense and rate base data should provide data on the basis of Total company as well as Intrastate data, unless otherwise requested.

**KIUC FIRST SET OF DATA REQUESTS TO  
KENTUCKY UTILITIES COMPANY  
PSC CASE NO. 2009-00197**

- 1-1. Refer to page 2 of Exhibit RMC-3. Please provide the Company's computations of terms ROR, DR, and TR for the most recent monthly environmental surcharge filing. Provide these computations in electronic spreadsheet format with formulas intact. In addition, please provide copies of source documents relied on for the assumptions and data inputs used for these computations.
- 1-2. Refer to page 2 of Exhibit RMC-3. Please provide the Company's computations of terms ROR, DR, and TR for the most recent monthly environmental surcharge filing adjusted for known and measurable changes that will occur in 2010, such as any changes in the Section 199 percentage deduction, if any. Provide these computations in electronic spreadsheet format with formulas intact. In addition, please provide copies of source documents relied on for the assumptions and data inputs used for these computations.
- 1-3. Refer to project 33 on page 2 of Exhibit JNV-1 providing estimates of the O&M expenses for beneficial reuse projects.
  - a. Please provide the computational support for these estimates.
  - b. Please provide all support that demonstrates that these estimates reflect only incremental O&M expense and reflect no re-allocation or diversion of existing resources and O&M expense.
  - c. Please provide an estimate of revenues from the beneficial reuse projects. If the Company projects no revenues, please explain why not.
  - d. Does the Company agree that it will reflect any revenues from beneficial reuse projects in the environmental surcharge?
  - e. Please provide a copy of all documentation that references, describes, and/or quantifies savings that may or will be achieved as a result of the beneficial reuse projects.
- 1-4. Refer to project 30 of Exhibit JNV-1.
  - a. Please provide the computational support for these estimates.
  - b. Please provide all support that demonstrates that these estimates reflect only incremental O&M expense and reflect no re-allocation or diversion of existing resources and O&M expense, particularly given that the reason for the new landfill is that "Basin #2 and the gypsum stack facilities are both forecasted to reach their maximum desired capacity in 2012." [Voyles at 26].
  - c. Please provide the O&M expense for the most recent 12 months associated with the operation of the existing landfill. In addition, please indicate which activities and which portion of the expense will continue to be incurred for the existing landfill once it is at capacity and the Company commences use of the new landfill.

- d. Please provide a copy of all documentation that references savings that may or will be achieved as a result of this project.

Respectfully submitted,

A handwritten signature in black ink that reads "Michael L. Kurtz" with a small checkmark at the end. The signature is written over a horizontal line.

Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

**BOEHM, KURTZ & LOWRY**

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**COUNSEL FOR KENTUCKY INDUSTRIAL  
UTILITY CUSTOMERS, INC.**