

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

LOUISVILLE GAS AND ELECTRIC COMPANY)
AND KENTUCKY UTILITIES COMPANY 2009)
APPLICATION FOR APPROVAL OF) CASE NO. 2009-00353
PURCHASED POWER AGREEMENTS)
AND RECOVERY OF ASSOCIATED COSTS)

JOINT RESPONSE OF MOVANTS ATTORNEY GENERAL OF
COMMONWEALTH OF KENTUCKY AND KIUC TO E.ON COMPANIES'
REPLY FOR MOTION TO RECONSIDER

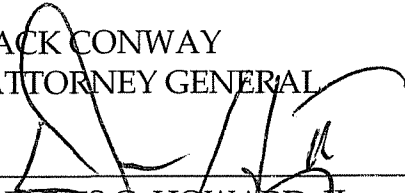
Come now the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and Kentucky Industrial Utility Customers, Inc. [hereinafter jointly referred to as "Joint Respondents"], and state as follows for their Joint Response to the EON Companies' Reply for Motion to Reconsider the Commission's Order dated October 21, 2009 in the above-styled matter.

In simplest terms we agree with the Companies that at this point little remains to be said. The legal positions of the parties have been fully briefed. But we do need to make one thing clear so that there is no later misunderstanding. If a surcharge is granted in this case, then it is very likely that the Attorney General and/or KIUC will appeal and seek refunds of ratepayer collections that we consider to be unlawful. If the Companies elect to continue with the

discretionary wind power contracts under those conditions, then they have voluntarily assumed that risk.

Respectfully submitted,

JACK CONWAY
ATTORNEY GENERAL



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Certificate of Service and Filing

Counsel certifies that an original and ten photocopies of the foregoing were served and filed by hand delivery to Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; counsel further states that true and accurate copies of the foregoing were mailed via First Class U.S. Mail, postage pre-paid, to:

Hon. Kendrick R. Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W. Jefferson St.
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Hon. Allyson K. Sturgeon
Attorney at Law
E.ON U.S. LLC
220 W. Main St.
Louisville, KY 40202

this 25th day of November, 2009.


Assistant Attorney General

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