

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

THE APPLICATION OF LOUISVILLE)
GAS AND ELECTRIC COMPANY FOR AN)
ORDER AUTHORIZING THE ISSUANCE)
OF SECURITIES AND THE ASSUMPTION)
OF OBLIGATIONS)

CASE NO. 2009-00450

**MOTION FOR DEVIATION FROM RULES AND FOR
INCORPORATION BY REFERENCE**

Louisville Gas and Electric Company ("LG&E") hereby moves, pursuant to 807 KAR 5:001(14), for a deviation from 807 KAR 5:001(11) and for incorporation by reference pursuant to 807 KAR 5:001(5)(5). In support of this Motion, LG&E states as follows:

1. This case concerns LG&E's request, pursuant to KRS 278.300, for authorization for the issuance of securities, assumption of obligations and entrance into all necessary agreements and other documents relating thereto. Among the reasons for LG&E's need for debt financing cited in the Application were capital expenditures in connection with construction of Trimble County Unit Two ("TC2"). Commission Rule 807 KAR 5:001(11)(d) provides that a copy of LG&E's Engineering, Procurement and Construction Contract with Bechtel Power Corporation (the "EPC Contract") for construction of TC2 be annexed to LG&E's Application.

2. The EPC Contract has been previously filed with the Commission by LG&E's sister utility, Kentucky Utilities Company ("KU") in a prior case also requesting authority for financing, Case No. 2007-00024 (*In the Matter of: The Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and the Assumption of Obligations*). In Case No. 2007-00024, KU requested and was granted confidential protection for the EPC Contract.

3. Subsequently, both LG&E, in Case No. 2008-00428 (*In the Matter of: The Application of Louisville Gas and Electric Company for an Order Authorizing the Issuance of Securities and the Assumption of Obligations*) and Case No. 2007-00548 (*In the Matter of: The Application of Louisville Gas and Electric Company for an Order Authorizing the Issuance of Securities and the Assumption of Obligations*) and KU, in Case No. 2007-00550 (*In the Matter of: The Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and the Assumption of Obligations*), Case No. 2007-00115 (*In the Matter of: The Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and the Assumption of Obligations*) and Case No. 2008-00426 (*In the Matter of: The Application of Kentucky Utilities Company for an Order Authorizing the Issuance of Securities and the Assumption of Obligations*) requested and were granted incorporation of the EPC Contract by reference only.

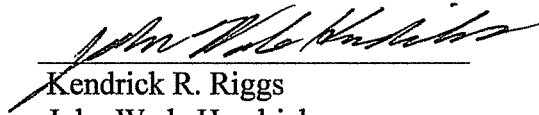
4. If the EPC Contract was filed in the present case, LG&E would request confidential protection for portions of the contract. LG&E's basis for that request would be the same as that of KU in Case No. 2007-00024.

5. If the EPC Contract was filed in the record of this case, this duplicative filing of information already contained in the Commission files would serve no purpose and represent a needless burden on LG&E for photocopying and would also needlessly burden the Commission which would again have to consider the issue of whether the confidential information in the contract should be protected.

THEREFORE, Louisville Gas and Electric Company respectfully requests that the redacted EPC Contract, contained in the record of Case No. 2007-00024, be made a part of the record in the present case by reference only, pursuant to 807 KAR 5:001(5)(5).

Dated: November 19, 2009.

Respectfully submitted,



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