

RECEIVED

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

MAR 11 2010

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS)
AND ELECTRIC COMPANY FOR AN) CASE NO. 2009-00549
ADJUSTMENT OF BASE RATES)

ATTORNEY GENERAL'S MOTION TO COMPEL RESPONSES TO DATA REQUESTS,
AND TO SUSPEND PROCEDURAL SCHEDULE UNTIL SUCH TIME AS THE
COMMISSION RULES ON LOUISVILLE GAS AND ELECTRIC COMPANY'S
OBJECTIONS AND THIS MOTION TO COMPEL

Comes now the intervenor, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention, and hereby moves the Commission to compel petitioner Louisville Gas and Electric Company ["LGE"] to fully respond to the Attorney General's Initial Data Requests, which the Attorney General filed into the record on March 1, 2010 in compliance with the procedural schedule pertaining hereto.

In support of this motion, the Attorney General states that just a few days prior to the date that LGE's responses to the intervenors' data requests were due to be filed with the Commission, counsel for Louisville Gas and Electric Company filed written objections to certain data requests of the Attorney General. With regard to some of these requests, LGE posits an objection, but provides a response without waiving its objection. However, LGE is apparently insisting that with regard to AG 1-30, it will not provide any documents in response to that request. LGE likewise fails to disclose exactly why any such documents would be covered by the attorney-client privilege.

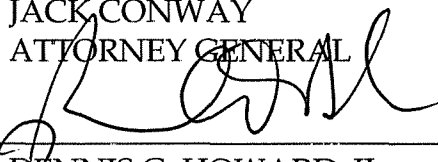
Specifically, AG 1-30 requests as follows:

AG 1-30: "List each proposed pro forma entry which was considered in this filing but not made and state the reason(s) why the entry was not made."

Well-settled precedents too numerous to mention clearly and unambiguously establish the universally recognized principle that privilege does not automatically attach simply because legal counsel has reviewed a matter. If such were the case, LGE need only ship case after case of responses to counsel and ask him to read the matters, thus cloaking any potential responses with privilege. Apparently, LGE has something to hide, and the ratepayers and public at large have a right to know the information requested. The Attorney General is not interested in learning or disclosing the advice, counsel, thought or impressions of counsel for LGE. Rather, the Attorney General is seeking only the items requested. LGE has failed to indicate why it cannot provide a list of the items requested, while redacting any written comments from counsel.

WHEREFORE, the Attorney General respectfully requests that the Commission compel LGE to fully respond to the requested materials, and provide redactions where necessary to protect the thoughts, impressions and advice of legal counsel.

Respectfully submitted,
JACK CONWAY
ATTORNEY GENERAL



DENNIS G. HOWARD, II
LAWRENCE W. COOK
PAUL D. ADAMS
ASSISTANT ATTORNEYS GENERAL
1024 CAPITAL CENTER DRIVE, STE. 200

FRANKFORT KY 40601-8204
(502) 696-5453
FAX: (502) 573-8315

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:

Lonnie E. Bellar
E.ON U.S. LLC
220 W. Main St.
Louisville, KY 40202

Hon. Allyson K. Sturgeon
Senior Corp. Attorney
E.ON U.S. LLC
220 W. Main St.
Louisville, KY 40202

Hon. Kendrick R. Riggs
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W. Jefferson St.
Louisville, KY 40202-2828

Hon. David C. Brown, Esq.
Stites & Harbison, PLLC
1800 Providian Center
400 W. Market St.
Louisville, KY 40202

Hon. Michael L. Kurtz
Boehm, Kurtz & Lowry
36 E. 7th St.
Ste. 1510
Cincinnati, OH 45202

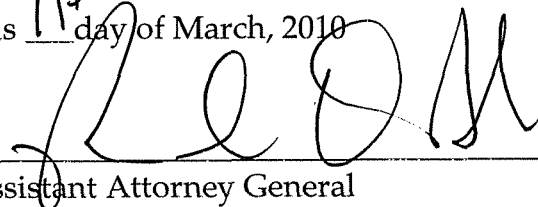
Hon. Lisa Kilkelly
Legal Aid Society
416 W. Muhammad Ali Blvd.
Ste. 300
Louisville, KY 40202

Hon. Iris Skidmore
415 W. Main St.
Ste. 2
Frankfort, KY 40601

Hon. Frank F. Chuppe
Wyatt Tarrant & Combs LLP
500 W. Jefferson St., Ste. 2600
Louisville, KY 40202

Robert A. Ganton, Esq.
Regulatory Law Office
U.S. Army Legal Services Agency
901 N. Stuart St., Ste. 525
Arlington, VA 22203-1837

this 11th day of March, 2010

A handwritten signature in black ink, appearing to read "RAG", written over a horizontal line.

Assistant Attorney General