

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  
Adjustment of Base Rates

Case No. 2009-00549

SECOND SET OF  
DATA REQUESTS  
OF THE KROGER COMPANY

The Kroger Company requests the applicant, Louisville Gas & Electric Company, to respond to the Second Set of Data Requests in accordance with the Order of Procedure entered herein.

DEFINITIONS

1. "Document(s)" is used in its customary broad sense and includes all written, typed, printed, electronic, computerized, recorded or graphic statements, communications or other matter, however produced or reproduced, and whether or not now in existence, or in your possession.
2. "Study" means any written, recorded, transcribed, taped, filmed, or graphic matter, however produced or reproduced, either formally or informally, on 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. If any document requested herein was at one time in existence, but has been lost, discarded or destroyed, identify such document as completely as possible, including the type of document, its date, the date or approximate date it was lost, discarded or destroyed, the identity of the person (s) who last had possession of the document and the identity of all persons having knowledge of the contents thereof.

4. "You" or "your" means the person whose filed testimony is the subject of these requests 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 request 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.

5. "LG&E"- means Louisville Gas & Electric Company, and/or any of their officers, directors, employees or agents who may have knowledge of the particular matter addressed.

### INSTRUCTIONS

1. The Requests shall be deemed continuing so as to require prompt further and supplemental production if at any time during this proceeding in the event you locate or obtain possession, custody or control of additional responsive documents.

2. Any studies, documents, or other subject matter not yet completed that will be relied upon during the course of this proceeding should be provided as soon as they are completed. You are obliged to change, supplement and correct all answers to these Requests to conform to available information, including such information as it first becomes available to you 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 should 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.

**Second Set of Data Requests of the Kroger Co.**

1. Follow up to LG&E Response Kroger 1-5. Regarding Mr. Seelye's use of the term "lower effective rate:" if two customers are on the same rate schedule, can one have a lower effective rate than the other? If not, please explain.

2. Follow up to LG&E Responses to Kroger 1-9(c) and (d). The answers appear to misconstrue the question's reference to "demand charge" and treat this term as equivalent to "demand charge revenues," and thus, fail to answer the question that was asked. (a) Given that the demand-related revenue requirement is the same irrespective of whether a CP rate or non-CP rate is used, but the billing determinants are different for a CP rate and non-CP rate, does it not follow that the demand charge (as would appear as a rate component in a rate schedule) for "Coincident peak CP demand billing" would necessarily be different than the otherwise applicable generation portion of the demand charge in the Company's tariff? (b) Does Mr. Seelye agree that the demand charge for "Coincident peak CP demand billing" would necessarily be greater than the otherwise applicable generation portion of the demand charge in the Company's tariff? (c) If not, please explain why not without repeating the answer originally provided, which did not answer the question that was asked.

3. Follow up to LG&E Responses to Kroger 1-10(a) and (b). Assume the loads of the two customers referenced in the question are IDENTICAL IN EVERY CONCEIVABLE WAY except end use. Now please answer the question: (a) Does Mr. Seelye believe that two customers with exactly identical loads, but different end-uses, cause different costs to be imposed on a utility? (b) If yes, please explain.

4. Follow up to LG&E Response to Kroger 1-14. LG&E's answer is non-responsive and argumentative. Kroger did not ask LG&E's opinion as to the likelihood of the situation posited. Kroger has posited a hypothetical in an attempt to understand the cost causative principles underlying Rate DGGS and its relationship to other rate schedules. Please answer the question that was asked.

5. Follow up to LG&E Response to Kroger 1-16. The question asked LG&E to "fully document" the derivation of the proposed demand charge for the DGGS rate schedule. Is it LG&E's position that its 23-word answer constitutes the full documentation of how this proposed demand charge was derived? Are there work papers? If so, please provide.

6. Follow up to LG&E Response to Kroger 1-17(b). Under what ratemaking principle is a customer precluded from using transportation service and its own gas supply to serve a customer-owned generating unit?



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## CERTIFICATE

I hereby certify that a copy of the foregoing was served by email on counsel for the Applicant and by mailing a true and correct copy, by regular U.S. mail to counsel for the Applicant and all parties on this the 26<sup>th</sup> day of March, 2010:

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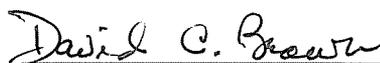
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