

**Mark David Goss** 

Member 859.244.3232 mgoss@fbtlaw.com

May 20, 2011

# Via Hand-Delivery

Mr. Jeffrey Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
P. O. Box 615
Frankfort, Kentucky 40602-0615

RECEIVED

MAY 2 0 2011

PUBLIC SERVICE COMMISSION

Re: In the Matter of: The Joint Application of Duke Energy Corporation,

Cinergy Corp., Duke Energy Ohio, Inc., Duke Energy Kentucky, Inc., Diamond Acquisition Corporation, and Progress Energy, Inc., for

Approval of the Indirect Transfer of Control of Duke Energy Kentucky, Inc.

PSC Case No. 2011-00124

Dear Mr. Derouen:

Please find enclosed an original and ten (10) copies of Joint Applicants' Motion to Reschedule Hearing in the above-styled action. Please file these documents in the record and return a file-stamped copy to me.

Please do not hesitate to contact me if you have any questions concerning this filing.

Sincerely yours

Mark David Goss

Enclosures

cc: Dennis G. Howard, II

Lawrence Cook

LEXLibrary 0106219-0583960 467549v1

#### COMMONWEALTH OF KENTUCKY

### BEFORE THE PUBLIC SERVICE COMMISSION

PEOPLE
MAY 2 0 2011
PUBLIC SERVICE COMMISSION

## IN THE MATTER OF:

THE JOINT APPLICATION OF DUKE ENERGY	)	
CORPORATION, CINERGY CORP., DUKE	)	
ENERGY OHIO, INC., DUKE ENERGY	)	CASE NO. 2011-00124
KENTUCKY, INC., DIAMOND ACQUISITION	)	
CORPORATION, AND PROGRESS ENERGY, INC.	)	
FOR APPROVAL OF THE INDIRECT TRANSFER	)	
OF CONTROL OF DUKE ENERGY KENTUCKY, INC.	)	

# JOINT APPLICANTS' MOTION TO RESCHEDULE HEARING

Come now the Joint Applicants, by and through counsel, and move the Kentucky Public Service Commission ("Commission"), for an Order rescheduling the hearing of this case from July 6, 2011 to July 8, 2011 and July 11, 2011. In support of this Motion, the Joint Applicants state as follows:

By previous Order of the Commission the hearing in this case is scheduled for July 6, 2011. However, because of irreconcilable scheduling conflicts, witnesses for both Duke Energy and Progress Energy are unavailable on that date. However, all of the Progress Energy witnesses and three of the Duke Energy witnesses (Rogers, DeMay, and Wiles) are available to provide testimony on July 8, 2011. The other three Duke witnesses (Janson, Wathen and Stanley) are available to provide testimony on July 11, 2011.

The Joint Applicants regret that this scheduling issue has arisen. However, the affected witnesses are located in Charlotte and Raleigh, North Carolina, and Cincinnati, Ohio and have previously made other scheduling commitments which would be virtually impossible to reschedule.

This Motion is not made for purposes of hindrance or delay but, rather, to attempt to accommodate the schedules of very busy executives, the Attorney General, and the Commission so that adequate time can be set aside to receive very important direct testimony and provide an opportunity for cross-examination on that testimony and on responses to Data Requests for which these witnesses have responsibility. The Joint Applicants have previously discussed these dates with both the Attorney General and Commission Staff at the Informal Conference held on May 19, 2011.

WHEREFORE, the Joint Applicants respectfully request that the Commission enter an Order rescheduling the current hearing date from July 6, 2011 to July 8 and July 11, 2011.

This 20th day of May, 2011.

Respectfully submitte,

Mark David Goss David S. Samford

Frost Brown Todd LLC 250 West Main Street, Suite 2800

Lexington, KY 40507-1749 (859) 231-0000 – Telephone

- and -

Rocco D'Ascenzo
Amy B. Spiller
Duke Energy Business Services LLC
139 East Fourth Street
Room 2500, Atrium II
P. O. Box 960
Cincinnati, Ohio 45201-0960

Counsel for Joint Applicants,
Duke Energy Corporation; Cinergy Corp.
Duke Energy Ohio, Inc.
Duke Energy Kentucky, Inc.
Diamond Acquisition Corporation
Progress Energy, Inc.

## **CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was mailed, first class postage prepaid, this 20th day of

May, 2011 to the following parties of record:

Hon. Dennis G. Howard, II Hon. Lawrence Cook Assistant Attorneys General Utility and Rate Intervention Division P. O. Box 2000 Frankfort, Kentucky 40602-2000

Counsel for Joint Applicants,

Duke Energy Corporation

Cinergy Corp.

Duke Energy Ohio, Inc.

Duke Energy Kentucky, Inc.

Diamond Acquisition Corporation

Progress Energy, Inc.