

**Goss  
Samford**

ATTORNEYS AT LAW | PLLC

David S. Samford  
david@gosssamfordlaw.com  
(859) 368-7740

January 2, 2018

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PUBLIC SERVICE  
COMMISSION

*VIA HAND DELIVERY*

Ms. Gwen R. Pinson  
Executive Director  
Kentucky Public Service Commission  
P.O. Box 615  
211 Sower Boulevard  
Frankfort, Kentucky 40602

RE: Case No. 2017-00477

Dear Ms. Pinson:

Enclosed, please find a copy of Duke Energy Kentucky, Inc.'s Notice of Appearance of Counsel and Motion for an Extension of Time and Response to the Attorney General's Motion to Consolidate. Please file both of these documents in the record of the above-referenced docket and return file-stamped copies of same to my office. Should you have any questions, please do not hesitate to give me a call.

Sincerely,



David S. Samford

Enc.

JAN 02 2018

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. )  
 )  
V. )  
 )  
KENTUCKY UTILITIES COMPANY, LOUISVILLE )  
GAS AND ELECTRIC COMPANY, KENTUCKY POWER )  
COMPANY, AND DUKE ENERGY KENTUCKY, INC. )

CASE NO.  
2017-00477

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**DUKE ENERGY KENTUCKY, INC.’S  
MOTION FOR AN EXTENSION OF TIME  
AND RESPONSE TO THE ATTORNEY GENERAL’S MOTION TO CONSOLIDATE**

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Comes now Duke Energy Kentucky, Inc. (“Duke Energy Kentucky”), by counsel, and hereby moves the Commission for an Order extending the deadline by which Duke Energy Kentucky must file its Answer in the above-styled matter and responding to the Motion to Consolidate filed by the Attorney General’s Office of Rate Intervention (“AG”), respectfully stating as follows:

Kentucky Industrial Utility Customers, Inc. (“KIUC”) filed its complaint in this proceeding on December 21, 2017. The Commission entered an Order on December 27, 2017 giving Duke Energy Kentucky ten (10) days to file its Answer to KIUC’s Complaint. Currently Duke Energy Kentucky’s Answer is due on January 8, 2017.<sup>1</sup> Pursuant to 807 KAR 5:001 Section 20(4)(b), the Commission may extend or shorten this time in its discretion.

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<sup>1</sup> Duke Energy Kentucky hereby expressly reserves all rights, claims, defenses, pleas and other matters, theories or doctrines that may be asserted in law, equity or otherwise and nothing herein shall be construed as an admission of any averment set forth in KIUC’s complaint.

On December 27, 2017, the Commission also entered an Order establishing an investigation involving other regulated utilities into the same issues raised in KIUC's Complaint in the above-styled matter.<sup>2</sup> On December 28, 2017, the Attorney General filed a motion to intervene in both the complaint case filed by KIUC and the investigation case initiated by the Commission. Additionally, the Attorney General filed a motion to consolidate the cases, to allow the parties to the KIUC complaint case to have an additional twenty (20) days to tender an Answer, to allow electronic filing procedures to be followed in both cases and to hold an informal conference for all the parties in both cases. Also, in an email to counsel for the parties to the KIUC complaint case and Commission Staff, KIUC's counsel indicated that KIUC would not object to any motion to extend the deadline to file an Answer to its complaint by twenty (20) days.

Duke Energy Kentucky hereby requests a twenty (20) day extension of time to file an Answer in this proceeding, which will put this matter on the same timeline as the investigation opened by the Commission in Case No. 2017-00481. The extension is authorized by 807 KAR 5:001 Section 20(4)(b) and warranted by the complex nature of the underlying tax legislation that has given rise to KIUC's complaint. KIUC does not object to the extension of time and will not be prejudiced by the brief delay. Thus, Duke Energy Kentucky also supports that portion of the AG's motion that also requests that the parties to the KIUC complaint case be afforded the additional time to file an Answer.

Moreover, Duke Energy Kentucky does not object to the use of electronic filing procedures in this case and believes that converting this case to an electronic docket will allow for greater efficiency while also reducing the overall cost of the proceeding. Likewise, Duke Energy

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<sup>2</sup> *In the Matter of: An Investigation of the Impact of the Tax Cuts and Job Act on the Rates of Atmos Energy Corporation, Delta Natural Gas Company, Inc., Columbia Gas of Kentucky, Inc., Kentucky-American Water Company, and Water Service Corporation of Kentucky*, Case No. 2017-00481.

Kentucky does not object to the Commission scheduling an informal conference for all parties to both cases before the Commission.

Duke Energy Kentucky does not agree, however, with the AG's request to consolidate both the KIUC complaint case and the case initiated by the Commission into a single docket. The Company believes that there are likely to be differences in how the recently-enacted federal tax legislation will effect various utilities and believes that it would instead be more appropriate to address the impact of said legislation in separate, utility-specific proceedings. As pointed out in KIUC's complaint, the use of separately-docketed proceedings was the method by which the Commission last addressed the subject of comprehensive federal tax reform in 1986-87. The Company believes that separate proceedings will be the most economical and efficient method to address the issues raised in KIUC's complaint.

WHEREFORE, Duke Energy Kentucky respectfully requests an Order from the Commission:

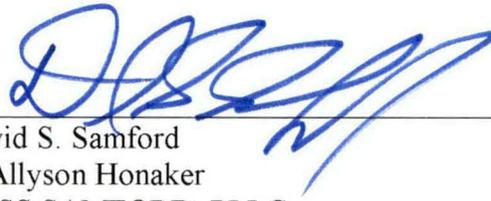
- 1) Extending to January 26, 2018, the deadline by which Duke Energy Kentucky must file its Answer to KIUC's complaint in this matter;
- 2) Allowing Duke Energy Kentucky to use electronic filing procedures in this case and in any separately-docketed proceeding;
- 3) Scheduling an informal conference for all effected utilities with the Commission Staff and AG; and
- 4) Entering an Order establishing separate dockets for each utility.

This 2<sup>nd</sup> day of January 2018.

Duke Energy Kentucky, Inc.

Amy B. Spiller, Deputy General Counsel  
Rocco O. D'Ascenzo, Associate General Counsel  
139 East Fourth Street  
Cincinnati, OH 45102  
(513) 287-4320  
amy.spiller@duke-energy.com  
rocco.d'ascenzo@duke-energy.com

and



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David S. Samford  
L. Allyson Honaker  
GOSS SAMFORD, PLLC  
2365 Harrodsburg Road, Suite B-325  
Lexington, Kentucky 40504  
(859) 368-7740  
david@gosssamfordlaw.com  
allyson@gosssamfordlaw.com

*Counsel for Duke Energy Kentucky, Inc.*

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing has been served, by delivering same to the custody and care of the U.S. Postal Service, postage pre-paid, this 2<sup>nd</sup> day of January, 2018, addressed to the following:

Rebecca W. Goodman  
Kent A. Chandler  
Lawrence W. Cook  
Justin M. McNeil  
Assistant Attorneys General  
700 Capital Ave., Suite 20  
Frankfort, KY 40601

Mark R. Overstreet  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KY 40602

Kenneth J. Gish, Jr.  
Stites & Harbison  
250 West Main Street, Suite 2300  
Lexington, KY 40507

Hector Garcia  
American Electric Power Service Corp.  
1 Riverside Plaza, 29th Floor  
Columbus, Ohio 43215

Michael L. Kurtz  
Kurt I. Boehm  
Jody Kyler Cohn  
BOEHM, KURTZ & LOWRY  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202

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

Allyson K. Sturgeon  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

  
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*Counsel for Duke Energy Kentucky, Inc.*