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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of June 27, 2026***2016-00317**

RECEIVED: 08/30/16

FILED: 08/30/16

FINAL: 03/14/18

REOPENED:

SUSPENSION DATE:

CASE NATURE: Proper Method of Municipal Franchise Fee Recovery

**CASE CODE**

Declaratory Order

**UTILITIES:**

Louisville Gas and Electric Company

Louisville Gas and Electric Company

INTERVENORS: Boehm-KIUC/Duton-

**HEARINGS:**

09/28/17

Oral Argument

**INDEX OF EVENTS:**

- 12/05/19 Final Order Entered: 1. This case is opened to address certain outstanding petitions for confidential treatment. 2. The petitions for confidential treatment listed in Appendix B to this Order are granted. 3. The granting of these petitions shall not be cited as precedent in other proceedings before the Commission. 4. All movants shall review the petitions to determine if the material for which confidential treatment was requested still warrants confidential treatment. 5. A movant shall inform the Commission in writing, and filed in the original case file, if it determines that the information contained in a petition that is granted by this Order no longer warrants confidential treatment. 6. The Commission shall make available for inspection, upon request, any materials that a movant determines no longer warrants confidential treatment. 7. This case is closed and removed from the Commission's docket.
- 03/14/18 Final Order Entered: 1. LG&E's requests that the Commission issue a declaratory order confirming that LG&E must calculate and add to the total bill for gas service of all customers located within Louisville Metro's jurisdiction, excluding those customers who reside with the 82 Home Rule Cities, a surcharge to collect any fees for the 2016 Franchise Agreement is granted. 2. LG&E shall recover the franchise fee associated with the 2016 Franchise Agreement in accordance with its Commission-approved Franchise Fee Rider. 3. Louisville Metro's request that the franchise fee at issue should be paid for by LG&E and not be passed directly on to customers is denied. 4. Louisville Metro's alternative request that LG&E should either be required to recover the franchise fees from all LG&E customers located within Louisville Metro's jurisdiction, including those customers who reside within the 82 Home Rule Cities, or be required to recover the franchise fees from all LG&E gas customers is denied. 5. Louisville Metro's motion to allow Gregory T. Dutton to withdraw as counsel for Louisville Metro is granted.
- 12/28/17 Gregory Dutton Louisville/Jefferson County Metro Govt. Motion to Withdraw as Counsel
- 10/04/17 Notice of Filing Documents
- 09/15/17 Gregory Dutton Louisville/Jefferson County Metro Government Reply Brief
- 09/15/17 Kendrick Riggs Louisville Gas and Electric Company LGE Reply Brief
- 08/31/17 Gregory Dutton Louisville/Jefferson County Metro Government Merits Brief
- 08/31/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company LGE Brief
- 08/18/17 Order Entered: 1. Louisville Metro's motion to amend the commencement of the oral argument hearing on September 28, 2017, is granted. 2. The start of the September 28, 2017 oral argument hearing shall be changed from 9 a.m. to 2 p.m. 3. An evidentiary hearing, if requested by the parties or on the Commission's own motion, shall be scheduled for Friday, September 29, 2017, at 9:00 a.m., Eastern Daylight Time, at offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 4. Pursuant to KRS 278.360 and 807 KAR 5:001. Section 9(a), a digital video transcript shall be made of the hearing.
- 08/15/17 Gregory Dutton Louisville/Jefferson County Metro Government Motion to Amend Commencement time of Oral Arguments
- 08/09/17 Order Entered: 1. Louisville Metro's motion requesting the scheduling of oral arguments is granted. 2. Louisville Metro's motion requesting approval to withdraw its Issue 2 is denied. 3. The parties shall file simultaneous initial briefs addressing the legal issues presented in this matter on or before August 31,

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2017. 4. The parties shall file simultaneous reply briefs on or before September 15, 2017. 5. Any request for a formal evidentiary hearing, along with a detailed description of material issues of fact, shall be submitted on or before September 15, 2017. 6. A hearing for receiving oral arguments on the legal issues presented in this matter shall be held on Thursday, September 28, 2017, at 9:00 a.m. Eastern Daylight Time, at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 7. LG&E shall present its oral argument first, followed by the presentation of oral argument from Louisville Metro. 8. If a formal evidentiary hearing is requested by a party to this proceeding, such hearing will be held at the conclusion of the oral arguments scheduled for September 28, 2017.

07/10/17 Gregory Dutton Louisville/Jefferson County Metro Government Response to LGE Motion for Leave to file Sur-reply

07/05/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company LGEs Mtn for Leave to File Sur-Reply and Sur-Reply

06/27/17 Gregory Dutton Louisville/Jefferson County Metro Government Reply to LGE Response objecting to Louisville Metro Motion

06/23/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company LGE Response to Lou Metro Mtn for Oral Argument and Withdrawal of Pending Claim

06/16/17 Gregory Dutton Louisville/Jefferson County Metro Government Motion for Oral Argument and Withdrawal of Issue

06/16/17 Gregory Dutton Louisville/Jefferson County Metro Government Rebuttal Testimony

06/16/17 Rick E. Lovekamp Louisville Gas and Electric Company LGE Rebuttal Testimonies

06/12/17 Order Entered: 1. Joint Movants' motion to establish a June 16, 2017, deadline for the filing of rebuttal testimony is granted. 2. LG&E and Louisville Metro shall file rebuttal testimony on or before June 16, 2017. 3. All other provisions of the Commission's February 27, 2017 Order, which established the procedural schedule in this matter, shall remain in full force and effect.

06/07/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company Joint Motion Requesting Rebuttal Testimony Deadline of LGE and Louisville Metro

05/26/17 Rick E. Lovekamp Louisville Gas and Electric Company LGEs Supplemental Responses to the Louisville Metro Governments First Request for Information Question Nos. 1 and 12

05/22/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company LGEs Discovery Status Report

05/15/17 Kendrick Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company Discovery Status Report

05/04/17 Order Entered: 1. LG&E's motion to extend the deadline for filing of rebuttal testimony is denied as moot. 2. LG&E's request for an extension of the period of time for it to file a substantive response to Louisville Metro's motion to compel to no later than seven days from the date the parties report the discovery dispute cannot be resolved is granted. 3. LG&E shall file a status report on the parties' efforts to resolve the discovery dispute on or before May 15, 2017.

04/27/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company Response of LGE to Motion to Compel

04/21/17 Order Entered: 1. The procedural schedule appended to the Commission's February 27, 2017 Order is amended to the limited extent that the April 21, 2017 due date for the parties to file rebuttal testimony is suspended and a new due date shall be established by further Order of the Commission. 2. All other provisions of the Commission's February 27, 2017 Order shall remain in full force and effect.

04/21/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company Motion to Extend Filing of Rebuttal Testimony

04/20/17 Gregory Dutton Louisville/Jefferson County Metro Government Motion to Compel

04/11/17 Metropolitan Housing Coalition Public Comments

04/10/17 Gregory Dutton Louisville/Jefferson County Metro Government Affidavit of Rick Blackwell

04/07/17 Gregory Dutton Louisville/Jefferson County Metro Government Louisville Metro Response to Requests for Information

04/07/17 Rick E. Lovekamp Louisville Gas and Electric Company LGE Responses to Metro Governments First Request for Information and a Petition for Confidential Protection

04/07/17 Rick E. Lovekamp Louisville Gas and Electric Company LGE Responses to Commission Staffs Initial Request for Information

03/24/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company LGEs data responses to Louisville-Jefferson County Metro Government

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03/24/17 Commission Staff's Initial Request for Information to Louisville/Jefferson County Metro Government  
 03/24/17 Gregory Dutton Louisville/Jefferson County Metro Government Requests for Information from LGE  
 03/24/17 Commission Staff's Initial Request for Information to Louisville Gas and Electric Company  
 03/15/17 Gregory Dutton Louisville/Jefferson County Metro Government Affidavit of Allen Neale  
 03/14/17 Gregory T Dutton Louisville/Jefferson County Metro Government Direct Testimony of Louisville Metro  
 03/14/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company Direct  
 Testimonies of Lonnie E. Bellar and Robert M. Conroy  
 02/27/17 Order Entered: 1. Louisville Metro's motion for a rehearing is denied. 2. Louisville Metro's Motion to File  
 Addendum in Case No. 2016-00347  
 is granted. 3. The existing procedural schedule established pursuant to the January 25, 2017 Order in  
 Case No. 2016-00317 is revised as set forth in the Appendix. 4. The revised procedural schedule set  
 forth in the Appendix supersedes any schedule previously established and shall be followed in this  
 proceeding. 5. Case No. 2016-00347 is closed and removed from the Commission's docket.  
 02/17/17 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company LGEs Response  
 to Louisville Metro Governments Motion for Rehearing  
 02/14/17 Gregory Dutton Louisville/Jefferson County Metro Government Louisville Metro Motion for Rehearing  
 01/25/17 Case Record of Case No. 2016-00347  
 01/25/17 Order Entered: 1. Louisville Metro's motion to dismiss is denied. 2. Louisville Metro's motion for a  
 procedural schedule is granted.  
 3. Pursuant to 807 KAR 5:001, Section 4(4), the case record of Case No. 2016-00347 shall be  
 physically consolidated into the record of this matter. 4. The procedural schedule set forth in the  
 appendix to this Order shall be followed. 5. a. Responses to requests for information in paper medium  
 shall be appropriately bound, tabbed and indexed, and shall include the name of the witness  
 responsible for responding to the questions related to the information provided, with an original in  
 paper medium and six copies in paper medium and an electronic version to  
 the Commission. b. Each response shall be answered under oath or, for representatives of a public or  
 private corporation or a partnership or association or a governmental agency, be accompanied by a  
 signed certification of the preparer or person supervising the preparation of the response on behalf of  
 the entity that the response is true and accurate to the best of that person's knowledge, information,  
 and belief formed after a reasonable inquiry. c. Any party shall make timely amendment to any prior  
 response if it obtains information which indicates that the response was incorrect when made or,  
 though correct when made, is now incorrect in any material respect.  
 10/25/16 Order Entered: LJCMG's motion to dismiss and its request for a procedural schedule are held in  
 abeyance until further Order by the Commission.  
 10/22/16 Gregory T. Dutton Louisville/ Jefferson County Metro Government Reply to LGE Response to Request  
 for Procedural Schedule  
 10/18/16 Kendrick R. Riggs on behalf of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company LGE  
 Response to Louisville/Jefferson Co Metro Government Request for a Procedural Schedule  
 10/14/16 Gregory Dutton Louisville/Jefferson County Metro Government Request for Procedural Schedule  
 10/12/16 Michael L. Kurtz, Esq., Kentucky Industrial Utility Customers Written Statement of KIUC in Response to  
 Commissions Order of Procedure  
 10/07/16 Gregory Dutton Louisville/Jefferson County Metro Government Errata Filing  
 10/04/16 Gregory Dutton Louisville/Jefferson County Metro Government Reply to LGE Response to Motion to  
 Dismiss.  
 10/03/16 Kendrick Riggs Louisville Gas and Electric Company LGE's Verified Reply  
 09/29/16 Kendrick R. Riggs of Stoll Keenon Ogden PLLC Louisville Gas and Electric Company LGEs Response  
 to LJCMGs Motion to Dismiss or in the Alternative Incorporate the Record  
 09/22/16 Order Entered: The motion of LJCMG to intervene is granted. 2. LJCMG shall be entitled to the full  
 rights of a party and shall be served  
 with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all  
 other documents submitted by parties after the date of this Order. 3. LJCMG shall comply with all  
 provisions of the Commission's regulation, 807 KAR 5:001, Section 8, related to the service and filing  
 of documents. 4. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order,  
 LJCMG shall file a written statement with the Commission that: a. Certifies that it, or its agent,  
 possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail  
 address to which all electronic notices and messages related to this proceeding should be served.  
 09/19/16 Gregory T. Dutton Louisville/Jefferson County Metro Government Motion to Dismiss  
 09/19/16 Gregory T. Dutton Louisville/Jefferson County Metro Government Motion to Intervene and Response

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09/14/16 Order Entered: 1. LG&E's motion to designate the electronic filing procedures for this case is granted. 2. The style of this case shall be amended to include the word "Electronic," as set forth above, and all future correspondence or filings in connection with this case shall reference the above style and case number. 3. All documents submitted in this proceeding shall comply with the Commission's rules of procedure as set forth in 807 KAR 5:001, and any deviation from these rules shall be submitted in writing to the Commission for consideration. 4. Any party filing a paper shall upload an electronic version using the Commission's E-Filing System and shall file an original and six copies in paper medium. 5. Any request for confidential treatment of material submitted shall conform to the requirements in 807 KAR 5:001, Section 13. 6. Materials submitted to the Commission that do not comply with the rules of procedure or that do not have an approved deviation are subject to rejection pursuant to 807 KAR 5:001, Section 3.

09/12/16 Order Entered: 1. The amended motion of KIUC to intervene is granted. 2. KIUC shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. KIUC shall comply with all provisions of the Commission's regulation, 807 KAR 5:001, Section 7, related to the service and filing of documents. 4. Within seven days of entry of this Order, KIUC shall provide its electronic mail address to which all electronic documents issued by the Commission and other parties of record may be served upon KI UC in accordance with 807 KAR 5:001, Section 4(8)(b).

09/06/16 KIUC Amended Motion to Intervene  
09/02/16 KIUC Motion to Intervene  
09/01/16 LGE Motion to Use Electronic Filing  
08/31/16 Acknowledge Receipt of Filing  
08/31/16 Louisville Gas and Electric Company Application for a Declaratory Order Regarding the Proper Method of Municipal Franchise Fee Recovery

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Total Number of Cases: 1