

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ADJUSTMENT OF THE GAS AND	)	
ELECTRIC RATES, TERMS, AND CONDITIONS	)	CASE NO.
OF LOUISVILLE GAS AND ELECTRIC	)	2003-00433
COMPANY	)	

AND

AN ADJUSTMENT OF THE ELECTRIC RATES,	)	CASE NO.
TERMS, AND CONDITIONS OF KENTUCKY	)	2003-00434
UTILITIES COMPANY	)	

O R D E R

On July 22, 2004, Louisville Gas and Electric Company ("LG&E") and Kentucky Utilities Company ("KU") jointly filed a motion requesting an informal conference to be held on July 27, 2004 for the purpose of discussing a procedural schedule regarding the issues set forth in the Commission's July 15, 2004 Order. The Commission notes that it has already established, by Order dated July 22, 2004, an informal conference to be held on August 4, 2004 for that purpose. Therefore, the Commission will deny the joint motion as moot. However, in the event that LG&E and KU and all other parties are agreeable to participate either in person or by telephone in an informal conference on a mutually agreeable date prior to August 4, 2004, LG&E and KU should formally notify the Commission.

Further, the Commission finds that the evidentiary records of these cases were reopened by our July 15, 2004 Order to allow the parties to address the allegations raised by the Office of the Attorney General ("AG") that LG&E and KU may have had

improper *ex parte* contacts with Commission employees and that the settlement negotiations that resulted in the Partial Settlement Agreement, Stipulation and Recommendation may have been the product of collusion. Since it was the AG that raised these allegations, the AG bears the burden of proof and will be expected to propose a procedural schedule at the August 4, 2004 informal conference. In the event the AG fails to appear and propose a procedural schedule, the Commission may dismiss these issues and close the evidentiary record with regard to these allegations without further proceedings.

IT IS THEREFORE ORDERED that the joint motion filed by LG&E and KU for an informal conference is denied as moot.

Done at Frankfort, Kentucky, this 26<sup>th</sup> day of July, 2004.

By the Commission

ATTEST:

  
Executive Director