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IN THE KENTUCKY PUBLIC SERVICE COMMISSION

IN RE: INVESTIGATION:

Case No. 2003-00433
AN ADJUSTMENT OF THE GAS AND ELECTRIC RATES,
TERMS, AND CONDITIONS OF LOUISVILLE GAS AND
ELECTRIC COMPANY

and

Case No. 2003-00434
AN ADJUSTMENT OF THE ELECTRIC RATES, TERMS, AND
CONDITIONS OF KENTUCKY UTILITIES COMPANY

* * *

SWORN STATEMENT

OF

EARL M. ROBINSON

AUGUST 29, 2005

ELLEN L. COULTER, RPR
Coulter Reporting, LLC
101 East Kentucky Street
Suite 200
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9/9/05 [Signature]

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A P P E A R A N C E S

SPECIAL GENERAL COUNSEL TO THE PUBLIC SERVICE
COMMISSION:

JONATHAN D. GOLDBERG
Goldberg & Simpson
3000 National City Tower
101 South Fifth Street
Louisville, Kentucky 40202

FOR THE WITNESS:

THOMAS P. O'BRIEN
(Via Speakerphone)
Frost, Brown, Todd, LLC
3200 Aegon Center
400 West Market Street
Louisville, Kentucky 40202

1
2 The sworn statement of EARL M.
3 ROBINSON, taken telephonically in the offices of
4 Goldberg & Simpson, 3000 National City Tower,
5 101 South Fifth Street, Louisville, Kentucky, on
6 Monday, the 29th day of August, 2005, at
7 approximately 11:05 a.m.

8
9 EXAMINATION

10
11 BY MR. GOLDBERG:

12 Q. Mr. Robinson, could you state your
13 full name for me.

14 A. My name is Earl M. Robinson.

15 Q. Okay. And your business address,
16 please?

17 A. My business address really is two.
18 Our AUS Consultants, Weber Wilson Division is -- are
19 located at 75 Grandview --

20 (SPEAKERPHONE DISCONNECTED.

21 OFF THE RECORD)

22 Q. We were struggling with the name of
23 the business that you gave us. So if you could --

24 A. Oh, okay. Is that where we lost you?

25 Q. Yeah.

1 A. Okay. It's AUS Consultants, Weber
2 Wilson Division. It's located at 7 -- pardon me,
3 75 Grandview Avenue, Suite 100, Camp Hill,
4 Pennsylvania, 17011. And I physically operate out of
5 792 Oldsway 66, Suite 200, Tijeras, that's
6 T-I-J-E-R-A-S, New Mexico, 87059.

7 Q. All right, sir. And what is your
8 occupation?

9 A. I'm a public utility consultant. I've
10 worked for a variety of investor-owned companies,
11 principally in the area of rate regulation
12 evaluation, et cetera.

13 Q. All right. And within that context,
14 do you have a specialty that you employ?

15 A. Two of the areas that I focus most
16 prominently in, certainly the first one would
17 probably be depreciation, as a depreciation expert,
18 and secondly as evaluation services.

19 Q. All right, sir. Prior to the spring
20 of 2004, had you worked for Louisville Gas &
21 Electric, LLC, before?

22 A. No. That was our first engagement.

23 Q. Okay. And when you say "first
24 engagement," I take it you were employed by
25 LG&E, LLC, to give an opinion with regard to

1 depreciation in the two rate cases which we refer to
2 as 00433 and 00434; am I correct?

3 A. Yes. We were engaged to perform an
4 appropriate depreciation study and provide support
5 for that in the way of testimony in the case.

6 Q. All right. Other than the
7 depreciation testimony, did you do any other
8 function?

9 A. No.

10 Q. All right. When do you recall first
11 being engaged by LG&E, LLC?

12 A. Oh, I should have looked those dates
13 up. It was probably that -- when was the case filed?

14 Q. The notice of intent was filed the end
15 of November 2003. The actual filing was late
16 December 2003.

17 A. Okay. It was probably -- I want to
18 say March, April time frame of that year. That's
19 just a rough -- somewhere in that time frame.

20 Q. All right. And you're breaking up
21 just a little bit on us. When you -- can you tell us
22 what you did in March, April of 2003 on this project?

23 A. Okay. The first thing that we do in
24 any study is once we were engaged we provided the
25 company with a data request requesting available

1 information concerning the company's investments in
2 its plant service and its accumulated depreciation
3 reserve and other -- any other items relative to the
4 property of LG&E, electric, gas, and Kentucky
5 Utilities' property. So we did that initially.

6 And once we received that information,
7 then we started our process of analyzing historical
8 data to identify what -- what transpired
9 historically, and then moved through the study at
10 later points in time and ultimately prepared a
11 depreciation study report.

12 Q. All right. So your first -- your
13 recollection of first being hired would have been
14 spring of 2003?

15 A. Yeah.

16 Q. All right. And do I take it you were
17 hired to conduct a depreciation study for both LG&E
18 and KU?

19 A. That is correct, and also for LG&E.
20 Both the gas and electric in common.

21 Q. All right. And did you work on that
22 through the summer of 2003?

23 A. Yes.

24 Q. Okay. Now, let's -- using our time
25 line, from the time you were first hired and began

1 work in March, April of 2003 to the date of the
2 notice of intent being filed for the two rate cases,
3 which is late November 2003, did you have any
4 opportunity to communicate with any member of the
5 staff of the Kentucky Public Service Commission?

6 A. Absolutely none.

7 Q. All right. And let me ask you that
8 same question with regard to any member of the
9 commission. Did you communicate with any member of
10 the commission during that time period?

11 A. No.

12 Q. All right. Now, other than doing the
13 work on the study that you've spoke of, did you do
14 anything else on the two rate cases between first
15 being hired in March, April of 2003 until the notice
16 of intent to file, November 2003?

17 A. No. It wasn't until after the case
18 was filed that I was involved in reviewing intervener
19 testimony and providing, you know, support in that
20 regard.

21 Q. All right. And you were anticipating
22 my next question. After the notice of intent to file
23 was made, I take it by that time you had performed
24 your study, depreciation study?

25 A. Yes.

1 Q. Okay. Were you hired to give expert
2 testimony in the two rate cases?

3 A. Yes. That was part of the RFP and our
4 proposal.

5 Q. And were you also hired, I take it,
6 either at the same time or subsequently to give
7 comment upon the interveners' expert testimony?

8 A. Yes. That was part of the same
9 project.

10 Q. All right. Any other components to
11 this RFP for work on the two rate cases?

12 A. Certainly rebuttal phase to the extent
13 it was required.

14 Q. All right. And the rebuttal phase
15 would have been also related to the interveners'
16 expert testimony?

17 A. That's correct.

18 Q. Okay. Anything else in the project as
19 it related to -- to your work other than what we've
20 described?

21 A. No, not -- nothing else other than,
22 you know, the normal interaction with the legal
23 counsel in preparing for the case. But, you know,
24 that's just part of the standard process.

25 Q. All right, sir. Now, take me through

1 what work you performed from the time the case was
2 actually filed -- well, let's back up. Let's go from
3 notice of intent to file. That would have been
4 November, late November 2003 until April 28th 2004.
5 And April 28th, 2004, I will represent to you, is the
6 first informal conference day amongst the parties in
7 Frankfort, Kentucky. What did you do during that
8 time period?

9 A. Okay. You may have to help me out
10 here a little bit. We filed, certainly, the case --
11 or I didn't file the case, but a case was filed. We
12 received discovery. We responded to discovery.
13 Along that time frame we would have received the --
14 the intervener testimony and would have reviewed that
15 and would have drafted and prepared rebuttal
16 testimony, principally for the main call-in of the
17 KIUC, as well as Michael Majoros of the ratepayer
18 advocate's office. Those are the two principal
19 witnesses that I can recall that I would have
20 provided any response or support or rebuttal
21 testimony relative to.

22 Q. Do you want to spell Majoros for us?

23 A. M-A-J-O-R-O-S. He's with Snavely
24 King; essentially worked for ratepayer advocates.

25 Q. All right, sir. And I take it you're

1 describing a gentleman who is an expert in
2 depreciation?

3 A. He is somebody that I'm familiar with
4 from my long years of work in the business.

5 Q. All right, sir. But you were hired in
6 order to work on rebutting his testimony as part of
7 the task here?

8 A. Yes.

9 Q. Okay. Now, from the time period we
10 talked about -- and again, let's take it -- it sounds
11 like you're more comfortable from the date of filing
12 of the case -- to April 28, 2004, you would have
13 performed those tasks. Would you also have been
14 replying to the commission staff on various data
15 requests that they made?

16 A. That's correct, yes.

17 Q. All right. And do I take it you'd
18 also be replying to data requests by other
19 interveners?

20 A. Yes. Any depreciation-related
21 discovery, we provided assistance in responding to
22 those.

23 Q. All right. And with regard to that
24 task, did you have any opportunity during that time
25 period to communicate with members of the staff --

1 A. No.

2 Q. -- of the Public Service Commission?

3 Okay. And again, let me ask the same
4 question with regard to any commission member. Did
5 you communicate to them with regard to the rate
6 cases?

7 A. No, sir, absolutely not.

8 Q. All right. Now, did you attend any of
9 the sessions beginning April 28th, 2004, that first
10 informal conference -- did you attend any of the
11 actual sessions where there were hearings of the
12 Public Service Commission on these two rate cases?

13 A. I need to clarify. The only -- I
14 guess I would clarify my answer this way. No. The
15 only -- the only appearances that I made was for
16 expert testimony.

17 Q. All right. Testimony --

18 A. I was not involved with any
19 settlements or any settlement meetings or anything
20 like that.

21 Q. Okay. Do I take it you did ultimately
22 come to Frankfort, Kentucky to testify?

23 A. Yes, I did.

24 Q. Okay. I gave you the date of
25 April 28th, 2004. And I take it you did not come for

1 the informal conference or, for that matter, for any
2 reason to Frankfort, Kentucky, prior to the following
3 week, which would have been beginning Monday, May the
4 2nd. Am I correct?

5 A. That's correct. May -- yeah, May
6 the -- May was the dates that I recall is when the
7 actual hearings were. That's the only thing that I
8 would have attended.

9 Q. All right. And the -- do you recall
10 the date you actually gave testimony?

11 A. Offhand -- I should have looked it up,
12 but no, I don't. It was early in May, as I recall.

13 Q. All right, sir. Let me see if I --

14 A. I'm sure it's certainly in the record.

15 Q. Let me see if I can refresh your
16 memory a little bit. The first day the parties were
17 actually together to give hearing testimony was
18 scheduled -- was May the 4th, 2004, and subsequently
19 May 5th and May 6th. Does that refresh your memory
20 any as when you would have given testimony?

21 A. Very vaguely. I just know it was like
22 that first week of May. You know, I certainly could
23 go back and look it up, but I was there for direct
24 and rebuttal all on the same day.

25 Q. All right. And do you recall having

1 only spent one day in Kentucky for the -- for the
2 giving of testimony or were you there multiple days?

3 A. I came in the night before and I would
4 have been there that day, and I believe I left
5 that -- late that afternoon.

6 Q. Okay. So you actually were not even
7 physically on the premises other than the one day of
8 your testimony; am I correct?

9 A. That's correct.

10 Q. Okay. And do I take it from your
11 previous statement that you did not witness any of
12 the negotiations between the parties?

13 A. No. As a matter of fact, we were --
14 we weren't sequestered, but we -- there was a staging
15 room off to the -- one side of the hearing room where
16 the company was -- company -- what I call staging
17 room or whatever. And that's where I spent time
18 with, you know, company representatives.

19 Q. Okay. Now, during that period of time
20 that you were there, did you have any conversations
21 other than salutations, hi, hello, how are you, with
22 any member of the staff?

23 A. No.

24 Q. Okay. And let me ask you the same
25 question again as it relates to any member of the

1 commission, any conversations?

2 A. No.

3 Q. Okay. And you were only there the one
4 day. You were not there multiple days; am I correct?

5 A. It was just the one day.

6 Q. Okay. Now, did you have any
7 conversations between the date of your testimony and
8 late June 2004, the date the decision was rendered by
9 the Public Service Commission, with any member of the
10 staff?

11 A. No.

12 Q. Okay. And did you have any
13 conversations with any member of the commission
14 during that same time period?

15 A. No.

16 Q. All right, sir. While the terms
17 "collusive" and "inappropriate" are subjective terms,
18 did you yourself witness any behavior upon the part
19 of the staff or the commission or any party,
20 intervener included, that you thought was
21 inappropriate or collusive in nature?

22 A. No.

23 Q. Okay. And did you witness any
24 ex parte conversation, meaning any conversation
25 between a member of the staff and LG&E and KU

1 personnel?

2 A. No.

3 MR. GOLDBERG: All right, sir. That's
4 all I have. I appreciate much your giving us a
5 little bit of time this morning.

6 THE WITNESS: You're welcome.

7

8 (STATEMENT CONCLUDED AT 11:20 A.M.)

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1 STATE OF KENTUCKY) (
) (SS:
2 COUNTY OF JEFFERSON) (
3

4 I, ELLEN L. COULTER, Notary Public,
5 State of Kentucky at Large, hereby certify that the
6 foregoing sworn statement was taken at the time and
7 place stated in the caption; that the appearances
8 were as set forth in the caption; that prior to
9 giving testimony the witness was first duly sworn by
10 me; that said testimony was taken down by me in
11 stenographic notes and thereafter reduced under my
12 supervision to the foregoing typewritten pages and
13 that said typewritten transcript is a true, accurate
14 and complete record of my stenographic notes so
15 taken.

16 I further certify that I am not
17 related by blood or marriage to any of the parties
18 hereto and that I have no interest in the outcome of
19 captioned case.

20 My commission as Notary Public expires
21 November 5, 2007.

22 Given under my hand this the 8th
23 day of September, 2005, at Louisville,
24 Kentucky.

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ELLEN L. COULTER
NOTARY PUBLIC

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I, the undersigned, EARL M. ROBINSON, do hereby certify that I have read the foregoing sworn statement, and that, to the best of my knowledge, said sworn statement is true and accurate, with the exception of the corrections, if any, listed on the errata sheet.

Earl M. Robinson

EARL M. ROBINSON

Subscribed and sworn to before me this 16th day of September, 2005.

A. S. Hawkins
NOTARY PUBLIC

My commission expires April 9, 2009



COULTER REPORTING, LLC
101 EAST KENTUCKY STREET, SUITE 200
LOUISVILLE, KY 40203

ERRATA SHEET

NAME Earl M. Robinson DATE OF DEPOSITION August 29, 2005

After having read my deposition, I wish to make the following changes:

Page 4 Line 18
Change "evaluation" instead of "valuation"
Reason for change clarification

Page 5 Line 3 & 4
Change "an appropriate" instead of "a"
Reason for change clarification

Page 6 Line 9
Change "moved" instead of "move"
Reason for change clarification

Page 9 Line 16
Change "the main call-in" to "Mr. Kollen"
Reason for change correction

Page 9 Line 24
Change "worked" instead of "works"
Reason for change clarification

Page _____ Line _____
Change _____
Reason for change _____

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Reason for change _____

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