

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF LOUISVILLE)
GAS AND ELECTRIC COMPANY AND)
KENTUCKY UTILITIES COMPANY)
DEMAND-SIDE MANAGEMENT FOR) CASE NO. 2007-00319
THE REVIEW, MODIFICATION, AND)
CONTINUATION OF ENERGY)
EFFICIENCY PROGRAMS AND DSM)
COST RECOVERY MECHANISMS)

O R D E R

On October 2, 2007, the Community Action Council (“CAC”) filed a motion for leave to late-file supplemental interrogatories to Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”). The Commission had issued an Order on August 24, 2007 establishing a revised procedural schedule for the processing of this case. The revised procedural schedule provided that supplemental interrogatories may be served upon LG&E and KU no later than September 21, 2007.

On October 9, 2007, the Attorney General (“AG”), through his Office of Rate Intervention, filed a motion requesting that the deadline for the filing of comments be extended from October 12, 2007 to October 19, 2007. The AG states that the extension is needed in light of the complexity and scope of the matter. The AG further states that LG&E and KU do not object to the extension.

In its motion, CAC states that the basis for its request is excusable neglect. Candidly, CAC explained that the supplemental interrogatories were not timely filed due

to a lapse in communication between its staff and outside counsel. CAC does not believe that serious prejudice will result to any party if this motion is granted. Lastly, CAC asserts that this request is not being made for purposes of delay.

Pursuant to the Commission's Order issued on August 8, 2007, motions for extensions of time with respect to the procedural schedule will be granted only upon a showing of good cause. The Commission finds that any lapse in communication between CAC staff and its outside counsel cannot be considered "excusable neglect." In point of fact, the Commission notes that it served upon CAC's outside counsel the August 24, 2007 Order, which set forth the revised procedural schedule.

The Commission nonetheless finds that allowing the interrogatories to be late-filed will not result in substantial prejudice to LG&E and KU. Accordingly, the Commission will grant CAC's motion to late-file its supplemental interrogatories subject to the expectation that CAC will meet any and all future procedural deadlines in this matter. As a matter of fairness, the Commission will allow LG&E and KU until October 17, 2007 in which to file a response to CAC's supplemental interrogatories.

The Commission will also grant the AG's motion to extend the time in which to file comments to the application. The Commission will extend the deadline for the filing of comments until October 26, 2007. The Commission hereby amends the procedural schedule set out in our Order of August 24, 2007. An amended procedural schedule is set forth in Appendix A, which is attached hereto and incorporated herein.

IT IS THEREFORE ORDERED that:

1. CAC's motion for leave to late-file its supplemental interrogatories is granted.

2. LG&E and KU shall file responses to CAC's supplemental interrogatories no later than October 17, 2007.

3. The AG's motion for an extension of time to file comments to the application is granted. The deadline to file written comments shall be on or before October 26, 2007.

4. The procedural schedule set forth in Appendix A, which is appended hereto and incorporated herein, shall be followed and supersedes the previous schedules established in the Commission's August 8, 2007 and August 24, 2007 Orders.

5. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

Done at Frankfort, Kentucky, this 12th day of October, 2007.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a horizontal line at the bottom, positioned above the text 'Executive Director'.

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2007-00319 DATED October 12, 2007

AMENDED PROCEDURAL SCHEDULE

LG&E and KU shall file with the Commission and
serve upon all parties of record responses to
CAC's supplemental interrogatories and requests
for production of documents no later than 10/17/07

Any party desiring to file written comments on LG&E
and KU's proposals shall do so no later than 10/26/07