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July 10, 2012

**Via Electronic Filing
and Hand Delivery**

Jeff DeRouen
Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601

**RE: Application of Kentucky Utilities Company for an Adjustment of Its Electric Rates
Case No. 2012-00221**

Dear Mr. DeRouen:

I am writing on behalf of Kentucky Utilities Company (“KU”) in response to Ms. Faulkner’s July 9, 2012 letter stating that KU’s June 29, 2012 Application in the above-referenced proceeding is deficient. The July 9, 2012 letter’s stated basis for finding the deficiency was that “[t]he original and one paper copy of the certificate of good standing are not signed by the Secretary of State.” In fact, the “original” certificate issued by the Secretary of State was in electronic, not paper, format, the format in which such certificates are routinely issued by the Secretary. Thus, the actual “original” was electronically filed with the Commission on June 29. The inadvertent omission of the written signature from the paper copies was the result of a file conversion error that occurred in the printing process. There was no failure to obtain a valid signature. Because (1) the tendered certificate of good standing in both paper and electronic format satisfy the requirements of the relevant Commission regulation; (2) Kentucky law does not require the Secretary’s signature for such a certificate to be valid; (3) the certificate contains an authentication code located on the upper left corner of the document that permits the reader to ascertain authenticity by entering that code on the Secretary of State’s website; and (4) neither any party to this proceeding nor the public could have been prejudiced by the paper copies’ missing signature, KU respectfully requests the Commission find KU’s Application to have been fully sufficient, or at least substantially complete, and deemed to be filed as of June 29, 2012.

The missing signature—which was present in the electronically filed version—is a harmless error. To cure this harmless error, KU is supplying herewith a paper original and two paper copies of the May 9, 2012 certificate with signatures; the May 9, 2012 certificate was the certificate KU filed with its Application on June 29. Out of an abundance of caution, KU is also filing herewith a paper original and two paper copies of a new signed certificate dated July 10, 2012. I respectfully ask that the Commission accept for filing all of these paper originals and copies.

The Commission’s regulations require an incorporated utility company to file “a certificate of good standing or certificate of authorization dated within sixty (60) days of the date the application is filed.”¹ The regulation does not require that the certificate be signed by the Secretary of State. Thus, the certificate in paper and electronic forms meets the requirement set out in the Commission’s regulation because it is a valid certificate of existence timely issued by the Kentucky Secretary of State.

KRS 14A.2-130 establishes the requirements for a certificate of existence, and states that “a certificate of existence issued by the Secretary of State may be relied upon as conclusive evidence that the entity is in existence,” but does not require the Secretary of State’s signature be affixed to the certificate of existence, nor do other sections of Kentucky law. Indeed, KRS 14.040 specifically states that an official act by the Secretary of State is attested by using the Secretary of State’s official seal, not her signature.

Furthermore, the certificate of existence is self-authenticating. Each certificate of existence, including the one filed here, may be authenticated by visiting the Secretary of State’s website and entering the authentication code, located on the upper left corner of the document. Electronic self-authentication is important. KU received the certificate from the Secretary in electronic format. That is how the Kentucky Secretary of State issues such certificates. Therefore, the true original of the certificate is electronic, and KU timely filed the true original with the Commission on June 29, 2012. The omission of the signature from the paper copies was a harmless copying error that in no way affects the validity of the certificate KU filed.

Because the certificate of existence submitted in this case is valid, KU requests the Commission to find the filing complete as of June 29, 2012.

The omitted signature in the paper format is a harmless error, particularly in a filing thousands of pages long. By Order dated June 22, 2012, the Commission approved this case as an “electronic-only case.” Therefore, each party to the case (unless excepted by the Commission) is given notice of new pleadings by a Commission e-mail. Here, the electronic version of the certificate each party would have retrieved via the Commission’s e-mail contained

¹ 807 KAR 5:001, Section 10(1)(b)(5).

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the signature of the Secretary of State. Moreover, the version of KU's Application posted on the Commission's website contains the Secretary's signature.

In addition, KU submits that the lack of a signature on the paper format of the certificate of existence does not prejudice any party or the Commission. The information needed to judge the application submitted by KU is not affected by a signature, or lack thereof in the paper format of the certificate. The substantive portions of the filing are intact, accessible, and available in electronic format on the Commission's webpage.

For all of these reasons, KU again respectfully requests the Commission to find that KU's Application in this proceeding was complete, or substantially complete and sufficient when it was filed on June 29, 2012.

In accordance with Ordering Paragraphs 5 and 7 of the Commission's June 22, 2012 Order in this case, I certify that the electronically filed documents are a true representation of the original paper document being hand delivered to the Commission on this date, and that all materials in the paper documents are included in the electronic filing. In satisfaction of Ordering Paragraph 3 of the same Order, KU is filing with the Commission one paper original and two paper copies of this filing (the paper copies being in addition to the electronic version of the filing KU is making today via the Commission's E-Filing System) by hand delivering the same to the offices of the Commission.

Yours very truly,



Kendrick R. Riggs

KRR/ec
Enclosures as mentioned
cc: Parties of record