

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR AN)	
ADJUSTMENT OF ITS ELECTRIC AND GAS)	CASE NO. 2012-00222
RATES, A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY,)	
APPROVAL OF OWNERSHIP OF GAS)	
SERVICE LINES AND RISERS, AND A GAS)	
LINE SURCHARGE)	

**LOUISVILLE GAS AND ELECTRIC COMPANY’S SUR-REPLY OBJECTING
TO THE MOTION TO INTERVENE OF MICHAEL WHIPPLE**

Louisville Gas and Electric Company (“LG&E”) respectfully submits this Sur-reply to further object to Michael Whipple’s Motion to Intervene (“Motion”). This Sur-reply is necessary to clarify three points that preclude Mr. Whipple’s intervention in this proceeding: (1) Mr. Whipple is not a residential LG&E customer; (2) Mr. Whipple has no experience regarding the issues he seeks to develop; and (3) Mr. Whipple will disrupt this proceeding by making unfounded allegations.

I. Mr. Whipple Is Not a Residential Customer and Has No Interest in this Proceeding.

Mr. Whipple’s Reply to LG&E’s Objection to his intervention admits “there are no residential accounts in Mr. Whipple’s name.”¹ Moreover, Mr. Whipple concedes that the address listed on his Motion to Intervene is associated with a business account.² Instead of seeking intervention because he is a customer, Mr. Whipple states that he has an interest in this case because “he lives in the Commonwealth and shares expenses of utilities” and “the costs of

¹ Whipple Reply, p. 2. Mr. Whipple originally sought to intervene not only in this proceeding, but also in Case No. 2012-00221, which is Kentucky Utilities Company’s pending rate case proceeding. In Mr. Whipple’s Reply, however, he suggests he only seeks to intervene in the LG&E proceeding.

² *Id.*

electricity and gas are integral to all products and services in the Commonwealth.”³ The generalized interest Mr. Whipple claims is not a special interest warranting intervention pursuant to 807 KAR 5:001, Section 3(8) and LG&E respectfully requests that Mr. Whipple’s Motion be denied.

II. Mr. Whipple Has Not Demonstrated Any Expertise in the Issues He Seeks to Develop.

Mr. Whipple’s Reply states that he seeks to intervene to develop facts regarding declining wholesale gas prices.⁴ He admits that he has no expertise, however, regarding ratemaking or energy supply costs and instead states that he can “present information from industry experts and facts.”⁵ Mr. Whipple does not provide any further explanation as to the industry experts and facts to which he refers. Because Mr. Whipple’s Reply fails to demonstrate any expertise in the issues he seeks to develop, his Motion should be denied.

III. Mr. Whipple Has Sought to Disrupt and Delay this Proceeding by Making Meritless Allegations Regarding the Attorney General, LG&E and Its Counsel.

Even if Mr. Whipple could demonstrate that he had a special interest in this proceeding or could present issues or develop facts that would assist the Commission, his intervention would unduly complicate and disrupt this proceeding in contravention of 807 KAR 5:001 § 3(8). Mr. Whipple’s Reply states that he seeks to “delay the proceeding to allow the Commission to establish if there is a conflict of interest between LG&E counsel and the Attorney General.”⁶ Mr. Whipple, without offering any factual support, alleges that the Attorney General has received campaign donations from “people related to LG&E’s counsel” and as such there is a conflict of interest.⁷ Mr. Whipple’s assertions are not only spurious, but made for the admitted

³ *Id.*

⁴ Whipple Reply, p. 3.

⁵ *Id.*

⁶ Whipple Reply, p. 1.

⁷ Whipple Reply, p. 3.

purpose of delaying this proceeding. Such allegations demonstrate that Mr. Whipple will disrupt and unduly complicate this proceeding and his Motion should be denied.

IV. Conclusion

Mr. Whipple's Reply demonstrates that he cannot satisfy either requisite for intervention pursuant to 807 KAR 5:001, Section 3(8) because he does not have a special interest in this proceeding and he has not proven that he can present issues or develop facts that will assist the Commission in the resolution of this matter. Even if Mr. Whipple satisfied either basis for intervention, his unsupported allegations that attempt to create a conflict of interest involving the Attorney General and LG&E will disrupt this proceeding and are admittedly made for purposes of delay. For the foregoing reasons, LG&E respectfully requests the Commission deny the Motion to Intervene of Michael Whipple in this proceeding.

Dated: August 8, 2012

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

In accordance with Ordering Paragraph No. 10 of the Commission's June 22, 2012 Order, this is to certify that Louisville Gas and Electric Company's August 8, 2012 electronic filing of the foregoing Sur-reply is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on August 8, 2012; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original and two copies in paper medium of the Sur-reply is being mailed by first class U.S. mail, postage prepaid, to the Commission on August 8, 2012. A paper copy of the Sur-reply has also been sent via first class U.S. mail, postage prepaid, to Michael Whipple at the address listed on his Reply on August 8, 2012.



Counsel for Louisville Gas and Electric Company