

**Commonwealth of Kentucky
Before the Public Service Commission**

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE GAS)	
AND ELECTRIC COMPANY FOR A DECLARATORY)	Case No.
ORDER REGARDING THE PROPER METHOD OF)	2016-00317
MUNICIPAL FRANCHISE FEE RECOVERY)	

**LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT
RESPONSE TO LG&E MOTION FOR LEAVE TO FILE SUR-REPLY**

Comes now The Louisville/Jefferson County Metro Government (“Louisville Metro”), and objects to the Louisville Gas and Electric Company (“LG&E”) Motion for Leave to File Sur-Reply. In support thereof, Louisville Metro states as follows:

No authority exists, nor was any claimed by LG&E, under which it may file a sur-reply. Deviations from the motion practice rules may occur, but only in “special cases, for good cause shown.”¹ Here, LG&E made no attempt to explain what special case or good cause exists. Indeed, Louisville Metro raised no new issues in its Reply that would warrant a sur-reply. In reality, Louisville Metro simply identified that LG&E has now made five (5) attempts to mislead the Commission regarding Louisville Metro’s claims.² In truth, Metro Louisville has never alleged that all LG&E gas customers should pay for the franchise fee through base rates. The simple act of identifying and highlighting the inaccuracy of LG&E’s statement does not create a new issue, a special case, or a good cause to justify LG&E filing a sur-reply.

¹ 807 KAR 5:001, Section 22.

² Sur-reply (July 3, 2017) at 1; Response of LG&E to Motion for Oral Argument and Withdrawal of Pending Claim (June 23, 2017) at 2; Rebuttal Testimony of Lonnie E. Bellar (June 16, 2017) at 9; LG&E Response to Louisville Metro Request for Information No.9 (March 24, 2017); Direct Testimony of Lonnie E. Bellar (March 14, 2017) at 9.

WHEREFORE, Louisville Metro requests the Commission to grant the following relief:

1. Deny the LG&E Motion for Leave to File Sur-reply; and
2. Grant the pending Louisville Metro Motion for Oral Argument and Withdrawal of Pending Claim.

Respectfully submitted,

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GTD

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