

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

**ELECTRONIC APPLICATION OF KENTUCKY
UTILITIES COMPANY FOR AN ADJUSTMENT OF ITS
ELECTRIC AND GAS RATES AND FOR CERTIFICATES
OF PUBLIC CONVENIENCE AND NECESSITY**

CASE NO. 2016-00370

In the Matter of:

**ELECTRONIC APPLICATION OF LOUISVILLE GAS
AND ELECTRIC COMPANY FOR AN ADJUSTMENT OF
ITS ELECTRIC AND GAS RATES AND FOR
CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY**

CASE NO. 2016-00371

POST-HEARING BRIEF OF THE KROGER COMPANY

Comes The Kroger Company (hereinafter “Kroger”), and for its Post-Hearing Brief in the above-referenced cases, states as follows.

Kroger respectfully requests the Public Service Commission (hereinafter “Commission”) to approve the First Stipulation and Recommendation and the Second Stipulation and Recommendation filed in these cases (hereinafter “Unanimous Settlement”) on the basis that they represent a fair, just, and reasonable resolution of these cases and because the Commission, based upon the terms of the Unanimous Settlement, can independently verify from the record that a fair, just and reasonable outcome has been achieved.

The process used to arrive at the settlement was fair, just, and reasonable. The Unanimous Settlement was the result of four days of negotiations and hard-won concessions among the intervenors and the utility companies, each representing varied and diverse customer interests – all with the guidance provided by Commission Staff. Each party to these cases has determined that the Unanimous Settlement was fair and reasonable to their respective

stakeholders. Kroger, the Attorney General, the other intervenors and the utility companies represent a large number of disparate interests, and their approval of the Unanimous Settlement underscores its reasonableness.

Approval of the Unanimous Settlement as submitted promotes the longstanding public policy encouraging compromises of disputes. Kroger respectfully requests the Commission to recognize the value of the current settlement and approve it as submitted.

In conclusion, Kroger respectfully requests the Commission to approve the Unanimous Settlement as submitted because of the care and consideration taken to ensure that its terms were transparent and could be independently evaluated by the Commission, and because the process used to arrive at the settlement was fully transparent. Approval of the Unanimous Settlement also serves the longstanding policy of encouraging settlement of disputes. It should also be approved because a review of the record by the Commission independently verifies its reasonableness. Most importantly, the Commission should approve the Unanimous Settlement because it is a fair, just, and reasonable outcome of these proceedings.

Respectfully submitted,

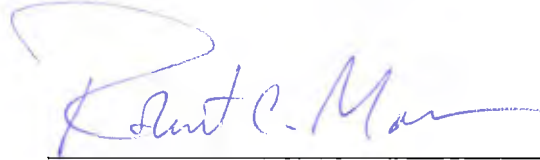


Robert C. Moore
STITES & HARBISON PLLC
421 West Main Street
P.O. Box 634
Frankfort, KY 40602-0634
Telephone: (502) 223-3477
Email: rmoore@stites.com

COUNSEL FOR THE KROGER COMPANY

FILING NOTICE AND CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of the same document being filed in paper medium with the Commission (which includes a cover letter serving as the required Read1st document) within two (2) business days; that the electronic filing was transmitted to the Commission on May 31, 2017; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.



Robert C. Moore

KR091:00KR9:28063:1:FRANKFORT