

**COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

**ELECTRONIC APPLICATION OF DUKE ENERGY)
KENTUCKY, INC. FOR: 1) AN ADJUSTMENT OF)
THE ELECTRIC RATES; 2) APPROVAL OF AN)
ENVIRONMENTAL COMPLIANCE PLAN AND)
SURCHARGE MECHANISM; 3) APPROVAL OF)
NEW TARIFFS; 4) APPROVAL OF ACCOUNTING)
PRACTICES TO ESTABLISH REGULATORY)
ASSETS AND LIABILITIES; AND 5) ALL OTHER)
REQUIRED APPROVALS AND RELIEF)**

CASE NO. 2017-00321

**NORTHERN KENTUCKY UNIVERSITY’S RESPONSE IN OPPOSITION TO DUKE
ENERGY KENTUCKY INC.’S MOTION TO STRIKE THE ATTORNEY GENERAL’S
TESTIMONY**

Comes now the intervenor, Northern Kentucky University (“Northern Kentucky University” or “NKU”), by and through counsel, and submits this Response in Opposition to Duke Energy Kentucky Inc.’s Motion to Strike the Attorney General’s Testimony¹. In sum, DEK’s Motion should be denied.

DEK’s Motion to Strike the Attorney General’s Testimony in this case belies DEK’s failure to completely address the Commission’s discovery process. Specifically, discovery in the instant matter, as well as in many fully litigated cases before the Public Service Commission, did not conclude until the filing of responses to post hearing data requests. It is only after the submission of all evidence, or lack thereof, when a party to a Commission proceeding can fully and definitively develop and present its position

¹ In its post hearing brief, NKU adopted and incorporated the OAG’s arguments regarding DEK’s proposed revenue requirement. Accordingly, NKU has a legitimate interest in preserving the OAG’s testimony in the record.

through the **filing of its brief**. DEK's mystification that the AG would consider all of the evidence in arriving at his final position, whether it is in complete agreement with his experts or not at the time of the hearing, provides no justification for striking any of the AG's testimony. Rather, if the Commission should find the AG has no basis for a specific position based on the record, or one from which he can reasonably extrapolate it, then the Commission can simply disregard the AG's argument.

WHEREFORE, NKU respectfully requests the Commission deny DEK's Motion to Strike the AG's Testimony.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Dennis G. Howard, II". The signature is stylized and cursive.

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NORTHERN KENTUCKY UNIVERSITY

CERTIFICATE OF SERVICE

I certify that the foregoing is a true and accurate copy of the same document being filed in paper medium with the Commission; that the electronic filing was transmitted to the Commission on May 17, 2018; that there are no parties that the Commission has excused from participation by electronic means in this proceeding; and that one original and six copies of the filing in paper medium are being delivered to the Commission within two (2) business days.



Dennis G. Howard, II