

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	)	CASE NO.
OF NEW TARIFFS; 4) APPROVAL OF ACCOUNTING	)	2017-00321
PRACTICES TO ESTABLISH REGULATORY ASSETS	)	
AND LIABILITIES; AND 5) ALL OTHER REQUIRED	)	
APPROVALS AND RELIEF	)	

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

Comes now the Attorney General of the Commonwealth of Kentucky (“Attorney General”), by and through his Office of Rate Intervention, and submits this Response in Opposition to Duke Energy Kentucky’s (“Duke”) Motion to Strike the Attorney General’s Testimony.

Duke’s Motion to Strike the Attorney General’s Testimony is misguided and should be summarily denied. Duke presupposes that the Attorney General’s recommendation is espoused through the testimony of each of his sponsored expert witnesses, and asserts that anything other than strict adherence in his brief to the evidence they provide is a disavowal. The Attorney General did not “disavow” his expert witnesses’ testimony. The Attorney General’s final brief, filed at the conclusion of the proceeding, considered the totality of the evidence in making his recommendation to the Commission. To require parties to put forward their final position prior to the conclusion of evidence is contrary to due process. Duke and

the Attorney General were both involved in every step of the evidentiary process in this case, while Duke now claims prejudice directly stemming from the Attorney General's consideration of all of the evidence in making his recommendation. Duke's Motion is merely an attempt to further inflate the revenue requirement in this case, which the Commission should not entertain.

WHEREFORE, the Attorney General requests that the Commission deny Duke's Motion to Strike the Attorney General's Testimony.

Respectfully submitted,

ANDY BESHEAR  
ATTORNEY GENERAL



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KENT A. CHANDLER  
REBECCA W. GOODMAN  
JUSTIN M. MCNEIL  
LAWRENCE W. COOK  
ASSISTANT ATTORNEYS GENERAL  
700 CAPITAL AVE., SUITE 20  
FRANKFORT KY 40601-8204  
(502) 696-5453  
[Kent.Chandler@ky.gov](mailto:Kent.Chandler@ky.gov)  
[Rebecca.Goodman@ky.gov](mailto:Rebecca.Goodman@ky.gov)  
[Justin.McNeil@ky.gov](mailto:Justin.McNeil@ky.gov)  
[Larry.Cook@ky.gov](mailto:Larry.Cook@ky.gov)