

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

In The Matter Of:	:	
	:	
Kentucky Industrial Utility Customers, Inc., <i>Complainant</i>	:	
	:	Case No. 2018-00036
v.	:	
	:	
Duke Energy Kentucky, Inc., <i>Defendant</i>	:	

**KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.
RESPONSE AND MOTION TO AMEND COMPLAINT**

In accordance with 807 KAR 5:001, Section 4(5), Kentucky Industrial Utility Customers, Inc. (“KIUC”) files this Response and Motion to Amend the Complaint and Petition for the Establishment of a Regulatory Liability to Provide Consumers a Rate Reduction Because of Tax Expense Savings (“Complaint”) filed by KIUC on December 21, 2017 in Case No. 2017-00477 and incorporated by reference in this proceeding.

In Duke Energy Kentucky, Inc.’s (“Duke” or “Company”) Answer to Complaint and Offer of Satisfaction filed January 26, 2018 in this proceeding (“Answer”), Duke moves to dismiss KIUC’s Complaint *without prejudice* based upon the Company’s claim that the Complaint did not identify any KIUC member who is a Duke customer. That claim is incorrect. KIUC’s Complaint identifies Marathon Petroleum LP (“Marathon”) as one of the KIUC member companies participating in this proceeding. Marathon owns approximately 25 Speedway locations that take electric service from Duke (19 of which take gas service as well), one terminal that takes electric and gas service from Duke, and one truck repair garage that takes electric and gas service from Duke. Accordingly, Duke’s motion to dismiss should be denied.

Duke’s Answer also brought to KIUC’s attention the inadvertent omission of River Metals Recycling, a wholly-owned subsidiary of Nucor, Inc. (“River Metals”) - a Duke customer and KIUC member - from the Complaint. River Metals is the KIUC member participating in Duke’s pending electric rate case.¹ KIUC’s intervention in Duke’s pending rate case was granted by Commission Order on October 23, 2017. Accordingly,

¹ Case No. 2017-00321.

KIUC moves to amend its Complaint to add River Metals to the list of members represented by Complainant. As amended, Paragraph 2 on page 3 of the Complaint would read as follows:

The Complainant is a non-profit Kentucky corporation. The member of Complainant who purchase utility services from the Defendants are: AAK, USA K2, LLC, Air Liquide Industrial U.S. LP, Air Products and Chemicals, Inc., Airgas, USA, LLC, AK Steel Corporation, Alliance Coal, LLC, Carbide Industries LLC, Catlettsburg Refining LLC, a subsidiary of Marathon Petroleum LP, Cemex, Clopay Plastic Products Co., Inc., Corning Incorporated, Dow Corning Corporation, Ford Motor Company, Ingevity, North American Stainless, River Metals, a wholly-owned subsidiary of Nucor, Inc., Schneider Electric USA, The Chemours Company and Toyota Motor Manufacturing, Kentucky, Inc. The corporate office address of the Complainant is as follows:

*36 East Seventh Street, Suite 1510
Cincinnati, OH 45202*

WHEREFORE, KIUC respectfully requests that the Commission deny Duke's motion to dismiss and grant KIUC permission to amend its Complaint to add River Metals as an affected party.

Respectfully submitted,



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January 30, 2018