

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR AUTHORITY TO 1) ADJUST)	
NATURAL GAS RATES 2) APPROVAL OF A)	CASE NO.
DECOUPLING MECHANISM 3) APPROVAL OF NEW)	2018-00261
TARIFFS 4) AND FOR ALL OTHER REQUIRED)	
APPROVALS, WAIVERS, AND RELIEF)	

ATTORNEY GENERAL'S MOTION TO EXCUSE WITNESS FROM
ATTENDANCE AT FORMAL HEARING

Comes now, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), and respectfully moves the Kentucky Public Service Commission (“PSC” or “Commission”) to excuse his witness in this matter, Mr. Lane Kollen, from attendance at the formal hearing scheduled for February 5, 2019. In support of his motion, the Attorney General states as follows:

Upon Duke Energy Kentucky’s (“DEK”) filing of its application in this matter, the Attorney General sought and was granted intervention. Following thorough discovery, the Attorney General sponsored the pre-filed direct testimony of Mr. Lane Kollen. Mr. Kollen’s testimony provided evidence to the Commission in the form of revenue requirement adjustments developed in consultation with the Attorney General. The Commission staff and DEK subsequently propounded discovery upon the Attorney General regarding Mr. Kollen’s testimony, which was responded to on January 7, 2019. After DEK filed its rebuttal testimony, the Attorney General and

DEK, the only two parties in this matter, met for the purposes of discussing the possibility of settlement. On January 30, 2019, DEK filed a joint, global stipulation between DEK and the Attorney General.

As the Commission will see upon review of the documents filed by DEK on January 30, 2019, the proposed stipulation is transparent, with each and every adjustment well-supported by evidence already provided to and reviewable by the Commission and its staff. Specifically, the overwhelming amount of adjustments (in whole or in part) used to determine the revenue requirement provided for in the proposed stipulation were discussed at length and proposed by Mr. Kollen, upon whose testimony Commission staff and DEK have already conducted discovery. Furthermore, DEK has provided additional testimony addressing nearly each and every adjustment proposed by Mr. Kollen, in whole or in part, including those used or not in the proposed stipulation. Given the transparent nature of the proposed stipulation and the fact that the evidence upon which the stipulation rests has already been thoroughly vetted by the other party and Commission staff, the Attorney General respectfully requests Mr. Kollen be excused from attending the February 5, 2019 formal hearing in this case.

As the Commission is aware, the parties have endeavored to come to a mutually agreeable outcome in part to limit the expense incurred from litigation. Both parties, and the Commission, understand that the expense of litigation in this matter will only serve to exacerbate already limited taxpayer funds or increase the expense charged to ratepayers. Excusing Mr. Kollen from attendance at the formal hearing in this matter will save significant amounts for the Attorney General — dollars he can

use to further represent consumers before this Commission. In the alternative, and understanding the Commissioners themselves may have concerns not addressed by Commission staff during the pendency of this matter, should the Commission have limited questions for Mr. Kollen the Attorney General could make Mr. Kollen available for additional written discovery or for live cross-examination via telephone. Nevertheless, if the Commission plans to conduct extensive cross-examination of Mr. Kollen, the Attorney General will abide by the Commission's request and make Mr. Kollen available in-person at the February 5, 2019 formal hearing. As the proposed stipulation states, DEK and the Attorney General have both waived cross-examination of witnesses of the other Party except in support of the stipulation.

The Attorney General believes the proposed stipulation, viewed in its entirety, represents a fair, just and reasonable outcome. The proposed rates, including the allocation of same, ensure that utility bills continue to be affordable for Kentucky families while allowing DEK to operate and provide a safe and reliable service. The Attorney General intends to support the stipulation, but through this motion is asking the Commission to consider the efficiencies of excusing Mr. Kollen from the February 5th, 2019 hearing.

WHEREFORE, the Attorney General respectfully moves the Commission to excuse Mr. Lane Kollen from the February 5, 2019 hearing in this matter, or in the alternative allow him to participate telephonically or respond to written discovery if the Commission has limited questions.

Respectfully submitted,

Andy Beshear
Attorney General



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
Rebecca.Goodman@ky.gov
Justin.McNeil@ky.gov
Larry.Cook@ky.gov