

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF LOUISVILLE)
GAS AND ELECTRIC COMPANY FOR AN) CASE NO. 2018-00295
ADJUSTMENT OF ITS ELECTRIC AND GAS RATES)

**THE KROGER COMPANY'S AND WALMART INC.'S
STATEMENT ON ELECTRONIC FILING PROCEDURES**

The Kroger Company ("Kroger") and Walmart Inc. ("Walmart"), and pursuant to 807 KAR 5:001, Section 8(9), file this Statement on Electronic Filing Procedures as required by this Kentucky Public Service Commission's ("Commission") November 9, 2018 Order. Additionally, Kroger and Walmart respond to the Commission's November 9, 2018 Order, which granted Kroger and Walmart's separately filed Motions to Intervene on a joint basis, treating Kroger and Walmart as "one party."

The Commission based its ruling -- to permit Kroger and Walmart to intervene as one party -- on its conclusion that they "propose to represent similar interests." Neither Kroger nor Walmart requested such joint treatment, and both believe that there is some potential that their positions in this litigation may diverge. Given the immediate procedural deadlines in this proceeding, rather than seeking immediate review of the Commission's November 9, 2018 Order based on a potential conflict, Kroger and Walmart are currently proceeding on a joint basis. If Kroger and/or Walmart deem that a conflict exists or that joint representation is not otherwise possible or appropriate, they each reserve the right to seek relief in order to ensure the due process interests of both parties are preserved.

STATEMENT ON ELECTRONIC FILING PROCEDURES

1. Kroger and Walmart, through the undersigned counsel, have the facilities to receive electronic transmission.

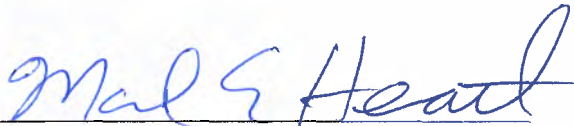
2. Through this pleading, Kroger and Walmart waive any right to service by United States mail.

3. In this proceeding, please forward all electronic messages to the following individuals:

dparker@spilmanlaw.com
mheath@spilmanlaw.com
bnaum@spilmanlaw.com
charris@spilmanlaw.com
rmoore@stites.com

4. The submittal of this Statement on Electronic Filing Procedures does not constitute a waiver of the right of Kroger or Walmart to object to, seek reconsideration of, or appeal the Order entered by the Kentucky Public Service Commission on November 9, 2018, granting full intervention to both parties on a joint basis rather than on an individual basis and ordering that Kroger and Walmart are to be considered one party rather than individual parties. As noted above, Kroger and Walmart each reserve the right to seek relief for leave to proceed as separate parties.

Respectfully submitted,

By 

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Counsel for The Kroger Company

Dated: November 16, 2018

CERTIFICATE OF SERVICE

I hereby certify that Walmart's November 16, 2018, electronic filing is a true and accurate copy of The Kroger Company's and Walmart Inc.'s Statement on Electronic Filing Procedures to be filed in paper medium; and that on November 16, 2018, the electronic filing has been transmitted to the Commission, and that an original and one copy of the filing will be delivered to the Commission, that no participants have been excused from electronic filing at this time, and served upon the following via Electronic Mail:

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