

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC APPLICATION OF KENTUCKY UTILITIES COMPANY FOR AN ADJUSTMENT OF ITS ELECTRIC RATES, A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DEPLOY ADVANCED METERING INFRASTRUCTURE, APPROVAL OF CERTAIN REGULATORY AND ACCOUNTING TREATMENTS, AND ESTABLISHMENT OF A ONE-YEAR SURCREDIT

CASE NO. 2020-00349

IN THE MATTER OF:

ELECTRONIC APPLICATION OF LOUISVILLE GAS AND ELECTRIC COMPANY FOR AN ADJUSTMENT OF ITS ELECTRIC AND GAS RATES, A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO DEPLOY ADVANCED METERING INFRASTRUCTURE, APPROVAL OF CERTAIN REGULATORY AND ACCOUNTING TREATMENTS, AND ESTABLISHMENT OF A ONE-YEAR SURCREDIT

CASE NO. 2020-00350

**POST-HEARING BRIEF OF THE KROGER CO.**

Comes The Kroger Co. (hereinafter “Kroger”), and for its Post-Hearing Brief in the above-referenced cases, states as follows.

Kroger respectfully requests the Public Service Commission (hereinafter “Commission”) to approve the Stipulation and Recommendation filed in these cases (hereinafter “Settlement”) on the basis that the Stipulation and Recommendation represents a fair, just, and reasonable resolution of these cases and because the Commission, based upon the terms of the Settlement,

can independently verify from the record that a fair, just and reasonable outcome has been achieved.

The process used to arrive at the settlement was fair, just, and reasonable. The Settlement was the result of two full days of negotiation and compromise among the intervenors and the utility companies, each representing varied and diverse customer interests – all with the guidance provided by Commission Staff. Each party to these cases has determined that the Settlement was fair and reasonable to their respective stakeholders. Kroger, the Attorney General, Kentucky Industrial Utility Customers, Inc., the other intervenors and the utility companies represent a large number of disparate interests, and their approval of the Settlement underscores its reasonableness.

Approval of the Settlement as submitted promotes the longstanding public policy encouraging the compromise of disputes. Kroger respectfully requests the Commission to recognize the value of the current settlement and approve it as submitted.

In conclusion, Kroger respectfully requests the Commission to approve the Settlement as submitted because of the care and consideration taken to ensure that its terms were transparent and could be independently evaluated by the Commission, and because the process used to arrive at the settlement was fully transparent. Approval of the Settlement also serves the longstanding policy of encouraging settlement of disputes. It should also be approved because a review of the record by the Commission will independently verify its reasonableness. Most importantly, the Commission should approve the Settlement because it is a fair, just, and reasonable outcome of these proceedings.

Respectfully submitted,

*/s/ Robert C. Moore*

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COUNSEL FOR THE KROGER CO.

**CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing is a true and accurate copy of the document being filed with the Commission in paper medium; that the electronic filing was transmitted to the Commission on May 24 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's Orders entered in Case No. 2020-00085, Electronic Emergency Docket Related to the Novel Coronavirus COVID-19, a deviation has been granted excusing this party from filing with the Commission an original copy of this filing as normally required by 807 KAR 5:001, Section 8(12)(a)(2). However, the original copy shall be filed with the Commission within 30 days of the lifting of the state of emergency.

*/s/ Robert C. Moore*

Robert C. Moore