

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

IN THE MATTER OF:

ELECTRONIC APPLICATION OF DUKE ENERGY KENTUCKY,  
INC. FOR (1) AN ADJUSTMENT OF ELECTRIC RATES; (2)  
APPROVAL OF NEW TARIFFS; (3) APPROVAL OF  
ACCOUNTING PRACTICES TO ESTABLISH REGULATORY  
ASSETS AND LIABILITIES; AND (4) ALL OTHER REQUIRED  
APPROVALS AND RELIEF

:  
:  
:  
:  
:  
:  
:  
:  
:

**Case No. 2024-00354**

---

**THE KROGER CO's RESPONSES TO  
DUKE ENERGY KENTUCKY, INC.'S FIRST  
REQUEST FOR INFORMATION**

---

1. Other than Mr. Bieber, please identify any persons, including experts, whom Kroger has consulted or retained with regard to evaluating Duke Energy Kentucky's Application in this proceeding.

**RESPONSE: Karan Rajput is a colleague of Mr. Bieber and provided consulting support under Mr. Bieber's direction.**

**ANSWERING WITNESS: Justin Bieber**

2. For each person identified in response to Request No. 1 above, please state:
- a. the subject matter of the discussions/consultations/evaluations;
  - b. the written opinions of such persons regarding Duke Energy Kentucky's Application;
  - c. the facts to which each person relied upon; and
  - d. a summary of the persons qualifications to render such discussions/consultations /evaluations.

**RESPONSE:**

- a. **Mr. Bieber and Mr. Rajput discussed the subject matter addressed in Mr. Bieber's direct testimony.**
- b. **Mr. Rajput has not provided written opinions regarding the Company's Application.**
- c. **Mr. Rajput relied upon the facts presented in the Company's Application.**
- d. **Mr. Rajput is a regulatory consultant with the firm Energy Strategies. He provided support under Mr. Bieber's direction in reviewing the Application.**

**ANSWERING WITNESS: Justin Bieber**

3. For each person identified in response to Request No. 1 above, please identify all proceedings in all jurisdictions in which the witness/person has offered evidence, including but not limited to, pre-filed testimony, sworn statements, and live testimony and analysis. For each response, please provide the following:

- a. the jurisdiction in which the testimony, statement, or analysis was pre-filed, offered, given, or admitted into the record;
- b. the administrative agency and/or court in which the testimony, statement, or analysis was pre-filed, offered, admitted, or given;
- c. the date(s) the testimony, statement, or analysis was pre-filed, offered, admitted, or given;
- d. the identifying number for the case or proceeding in which the testimony, statement, or analysis was pre-filed, offered, admitted, or given; and
- e. whether the person was cross-examined.

**RESPONSE: Mr. Rajput has not previously submitted evidence or provided testimony in any regulatory proceedings. However, he has provided consulting support under Mr. Bieber's direction on various regulatory matters.**

**ANSWERING WITNESS: Justin Bieber**

4. Identify and provide all documents or other evidence that Kroger may seek to introduce as exhibits or for purposes of witness examination in the above-captioned matter.

**RESPONSE: Kroger has not yet identified exhibits that it will introduce during cross-examination.**

**ANSWERING WITNESS: Counsel**

5. Please identify all proceedings in all jurisdictions in the last three years in which Mr. Bieber has offered evidence, including but not limited to, pre-filed testimony, sworn statements, and live testimony and analysis. For each response, please provide the following:

- a. the jurisdiction in which the testimony, statement or analysis was pre-filed, offered, given, or admitted into the record;
- b. the administrative agency and/or court in which the testimony, statement or analysis was pre-filed, offered, admitted, or given;
- c. the date(s) the testimony, statement or analysis was pre-filed, offered, admitted, or given;
- d. the identifying number for the case or proceeding in which the testimony, statement or analysis was pre-filed, offered, admitted, or given;
- e. whether the witness was cross-examined;
- f. the custodian of the transcripts and pre-filed testimony, statements, or analysis for each proceeding; and
- g. copies of all such testimony, statements, or analysis.

**RESPONSE:**

- a. Please see Attachment Justin Bieber CV\_03-26-2025 which lists all testimonies submitted by Mr. Bieber.
- b. Please see Attachment Justin Bieber CV\_03-26-2025.
- c. Please see Attachment Justin Bieber CV\_03-26-2025.
- d. Please see Attachment Justin Bieber CV\_03-26-2025.
- e. Mr. Bieber and Kroger do not maintain a record regarding whether he was cross-examined. However, this information is generally available by reviewing the transcripts of the applicable evidentiary hearing.
- f. Mr. Bieber does not maintain records concerning the identity of the custodian of transcripts and pre-filed testimony, statements or analysis for each proceeding. Copies of testimony filed in state commission proceedings can generally be found on the websites maintained by those commissions.
- g. **Objection:** The documents sought are equally available to the requesting party and obtainable from another source. Mr. Bieber's previous testimonies are available on the websites of the applicable regulatory commission. If there is a specific testimony that Duke is unable to obtain from these websites Kroger will endeavor to provide

**ANSWERING WITNESS: Counsel**

6. Please provide copies of any and all documents, analysis, summaries, white papers, work papers, spreadsheets (electronic versions with cells intact), including drafts thereof, as well as any underlying supporting materials created by Mr. Bieber as part of his evaluation of Duke Energy Kentucky's Application or used in the creation of Mr. Bieber's testimony.

**RESPONSE: See Attachment Kroger\_Bieber Direct\_Rate Design WP\_Final\_03-05-2025.**

**ANSWERING WITNESS: Justin Bieber**

7. Please provide copies of any and all documents not created by Mr. Bieber, including but not limited to, analysis, summaries, cases, reports, and evaluations that Mr. Bieber relied upon are referred to, or used in the development of his testimony.

**RESPONSE: See Attachment Figure 2\_S&P Data East Bend.**

**ANSWERING WITNESS: Justin Bieber**

8. Please provide any and all studies, analysis, and presentations that Mr. Bieber has created or publicly made within the last three years that involve utility regulation, ratemaking, or class cost of service study that are discussed in Mr. Bieber's testimony.

**RESPONSE: Please see response to DEK 6.**

**ANSWERING WITNESS: Justin Bieber**

9. Please state whether there are any agreements between Kroger and any Intervening Party to the above-captioned proceeding, or any member or affiliate of an Intervening Party to the proceeding, that concern said proceeding. For purposes of this Request, intervening party includes any party to have filed a motion to intervene in the above-captioned proceeding. To the extent that Kroger contends that any such documents are privileged, please provide a privilege log for the same.

**RESPONSE: No such agreements exist.**

**ANSWERING WITNESS: Counsel**

10. Please state whether there are any agreements between the Kroger and any entity exhibiting interest in the above-captioned proceeding, or any member or affiliate of an entity exhibiting interest to the proceeding, that concern said proceeding. For purposes of this Request, "entity exhibiting interest" includes any Duke Energy Kentucky customer, including a person, business, or corporation that has not filed a motion to intervene in the above-captioned proceeding. To the extent that the Kroger contends that any such documents are privileged, please provide a privilege log for the same.

**RESPONSE: No such agreements exist.**

**ANSWERING WITNESS: Counsel**

11. Refer to Mr. Bieber's Direct Testimony at pages 12-22, did Mr. Bieber's analysis incorporate a migration review of customer bills that would move to maximum monthly rate billing due to the increased demand charge?

**RESPONSE: Mr. Bieber did not analyze the potential for all customers taking service on DS to switch from standard billing to maximum billing because Mr. Bieber did not have access to individual load profiles for all customers taking service on Rate DS. However, Mr. Bieber did compare the total proposed bill to the maximum bill at Mr. Bieber's proposed rates for all of the DS customer load profiles contained in the Company's Schedule N bill impact analysis for rate DS. See Attachment DEK RFI 11 to Kroger.**

**Based on Mr. Bieber's analysis, the customer bill at the monthly maximum rate (excluding the customer charge and applicable riders) was between 98% to 232% higher than the bill at standard rates (excluding the customer charge and applicable riders) for all of the customer load profiles analyzed. Given the significantly higher bills at the maximum monthly rates relative to bills at standard rates for all of the customer load profiles analyzed, Mr. Bieber does not anticipate that the proposed rate design will result in a substantial loss of revenue for the Company. Although, depending on individual customer profiles, it is possible that there could be a relatively small non-zero reduction to revenues for a small number of customers.**

**Notwithstanding Mr. Bieber's analysis explained above, to the extent that the Company is concerned about loss of revenue resulting from Mr. Bieber's proposed maximum Non-Church "Cap" Rate and Church Cap Rate, Mr. Bieber believes it would be reasonable to accept the Company's proposed Non-Church "Cap" Rate and Church Cap Rate, as long as there is a corresponding revenue neutral reduction to the either the DS energy or demand charges.**

**ANSWERING WITNESS: Justin Bieber**

- a. If not, does Mr. Bieber agree that this migration could impact the revenue collected from Rate DS customers and may prevent the Company from collecting the proposed revenue requirement?

**RESPONSE: See response to DEK 11.**

**ANSWERING WITNESS: Justin Bieber**

12. Refer to Mr. Bieber's Direct Testimony at pages 12-22, the Rate DS class contains customers from close to 0 kW monthly demand up to an average monthly demand of 500 kW. Mr. Bieber's Direct Testimony suggests that demand charges for customers with less than or equal to 15 kW monthly demand are collected in the energy charges of Rate DS.

- a. Does Mr. Bieber agree that his proposed change to the magnitude of demand and energy charges would result in less revenue collection of demand related revenues, as Mr. Bieber defines them in his testimony, from customers with billing demands less than or equal to 15 kW? If Mr. Bieber does not agree, please explain your response.

**RESPONSE: Yes. Certain customers with billing demands below 15 kW will experience lower bills under Mr. Bieber's proposed rate design compared to the Company's proposed DS rate design.**

**However, it is important to recognize that no rate design can perfectly align revenue recovery and cost for every individual customer within a rate schedule that serves a diverse customer base. As discussed in Mr. Bieber's testimony (pages 12–22), the proposed modifications to the DS rate design will improve the alignment between rates and the underlying cost components, while also adhering to the principle of gradualism.**

**ANSWERING WITNESS: Justin Bieber**

- b. Does Mr. Bieber's analysis conclude that smaller customers in the less than or equal to 15 kW range subsidize larger customers with demand greater than 15 kW? Please explain your response.

**RESPONSE: See response to DEK 12.a.**

**Additionally, whether or not a customer with load less than or equal to 15 kW provides an intra-class subsidy depends on the specific characteristics of the customer's load profile. In other words, it depends on the relationship between the customer's energy usage and their maximum demand.**

**ANSWERING WITNESS: Justin Bieber**

13. Refer to Mr. Bieber's Direct Testimony at page 17, line 10, please provide an example of a type of customer that would meet Mr. Bieber's definition of a "lower load factor" customer.

**RESPONSE: Mr. Bieber calculates that the average load factor for customers taking service on Rate DS is 37.6%. Mr. Bieber's definition of a lower load factor customer would apply to a customer on Rate DS with a load factor lower than 37.6%.**

**ANSWERING WITNESS: Justin Bieber**

14. Refer to Mr. Bieber's Direct Testimony at page 17, lines 11-13, please provide an example of a type of customer that would meet Mr. Bieber's definition of a "high load factor" customer.

**RESPONSE: Mr. Bieber calculates that the average load factor for customers taking service on Rate DS is 37.6%. Mr. Bieber's definition of a higher load factor customer would apply to a customer on Rate DS with a load factor greater than 37.6%.**

**ANSWERING WITNESS: Justin Bieber**

Respectfully submitted,

/s/ Kurt J. Boehm

Kurt J. Boehm, Esq.

Jody Kyler Cohn, Esq.

**BOEHM, KURTZ & LOWRY**

425 Walnut Street, Suite 2400

Cincinnati, Ohio 45202

Ph: 513.421.2255 Fax: 513.421.2764

[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)

[jkylercohn@BKLawfirm.com](mailto:jkylercohn@BKLawfirm.com)

**COUNSEL FOR THE KROGER CO.**

April 2, 2025