

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of the Adjustment)
of Electric Rates of The Union) Case No. 2006-00172
Light, Heat and Power Company)
d/b/a Duke Energy Kentucky)

**DUKE ENERGY KENTUCKY'S
REQUESTS FOR INFORMATION
TO THE KROGER COMPANY AND ST. ELIZABETH MEDICAL CENTER**

Duke Energy Kentucky ("DEK" or "Company") requests that The Kroger Company ("Kroger") and St. Elizabeth Medical Center ("St. Elizabeth") respond fully, in writing, and under oath to the following set of interrogatories and requests for production of documents (collectively, the "Information Requests").

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DEFINITIONS AND INSTRUCTIONS

These Information Requests are continuing in nature. Therefore, with respect to any of the following interrogatories or requests for production of documents as to which Kroger and St. Elizabeth or its counsel acquires additional knowledge or information, DEK asks that Kroger and St. Elizabeth immediately serve on the undersigned further answers fully setting forth any such additional knowledge or information.

When an interrogatory or request for production of documents does not specifically request a particular fact or document, but such fact or document is necessary to make the response comprehensive, complete, or not misleading, such interrogatory or request for production of documents shall be deemed to specifically request that fact(s) or document(s).

The requests for production of documents include, without limitation, all documents that are in the possession, custody, or control of Kroger and St. Elizabeth and/or Kroger and St. Elizabeth's predecessors, successors, parents, subsidiaries, divisions, officers, directors, employees, agents or representatives, including any and all documents obtained by Kroger and St. Elizabeth and/or Kroger and St. Elizabeth's representatives, counsel, or agents from any source whatsoever.

For the purposes of these Information Requests, unless otherwise stated, the following terms shall have the meanings indicated:

Person is any human being, corporation, association, joint venture, government, governmental agency, public corporation, board, commission, regulatory authority, committee, partnership, group, firm, or any other organization or entity cognizable at law; *Rate Case Proceeding* means the above-captioned matter and any other matters filed by DEK in the above-referenced docket of the Public Service Commission of Kentucky.

You, your, or yours means Kroger and St. Elizabeth, Kroger and St. Elizabeth's predecessors in interest, successors, parents, divisions, and subsidiaries and any of Kroger and St. Elizabeth's agents, representatives, employees, or counsel;

Document is intended to be comprehensive and includes, without limitation, the original and any non-identical copy, regardless of origin or location, of any data, correspondence, internal correspondence, statement, report, record book, record, account book, account, pamphlet, periodical, discovery, letter, memorandum, internal memorandum, telegram, telex, cable, study, stenographic or handwritten note, paper, working paper, facsimile, invoice, bill, voucher, check, statement, chart, graph, drawing, voice recording, tape, microfilm, microfiche, computer disk, floppy disk, tape data sheet,

or data processing card or disk, electronic mail, or any other written, recorded, transcribed, punched, taped, filmed or graphic matter, however stored, produced or reproduced, to which you have or have had access or which location is known to you;

The term *identify* when used with reference to a natural person, means to state: (a) that person's full name, (b) that person's present (or last known) position and business affiliation, (c) that person's present (or last known) residence address and telephone number, and (d) the nature of that person's past and present relationship with you;

The term *identify* when used with reference to an entity other than a natural person, means to state the full name, and present (or last known) address and telephone number of the entity;

The term *identify* when used with reference to a document, including any document relied upon in any answer to any interrogatory or request for production of documents, or that corroborates any such response, means to state: (a) the type of document, (b) its title or subject matter, (c) the date of the document, (d) the identity of the document's author, sender, and every recipient of the document or of a copy thereof, and (e) the present location and custodian of the document and every known copy thereof. When the document is a written agreement or contract, *identify* also means to state the date such written agreement or contract was entered into and its effective date, the name of each party thereto, the identity of each person who signed such agreement on behalf of each party thereto, the date of termination and the date of every amendment or modification thereto;

Relating to means constituting, defining, containing, mentioning, embodying, reflecting, regarding, referencing, identifying, stating, concerning, referring to, dealing with, generated wholly or partly in response to or because of, or in any way pertaining to.

If any information called for by an interrogatory or request for production of documents is withheld on the basis of a claim of privilege, the nature of the information with respect of which privilege is claimed shall be set forth in answers hereto, together with the type of privilege claimed and a statement of all circumstances upon which plaintiff will rely to support such a claim of privilege. Any documents that are allegedly privileged or otherwise unavailable shall be identified in writing by indicating the following:

- (1) the date of the document;
- (2) the author of the document;
- (3) the recipient(s) of the document;
- (4) the general subject matter of the document;
- (5) the identity of any and all persons to whom the contents of the document have already been revealed;
- (6) the identity of the person or entity now in possession or control of the document; and
- (7) the basis upon which the document is being withheld or the reason why it cannot be produced.

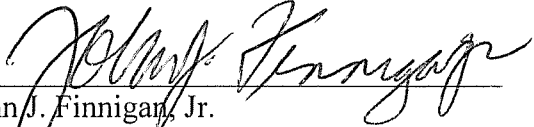
DEK expressly reserves the right to request more information to determine whether such documents are privileged or otherwise not subject to production.

REQUESTS FOR INFORMATION

Requests for Information Directed to Mr. Higgins

1. For each proceeding in which Mr Higgins has testified during 2004-2006, please identify the entity that sponsored his testimony.
2. On page 9, lines 3 - 6 and lines 18 - 21 of Mr. Higgins' testimony, Mr. Higgins asserts that higher load factor customers subsidize lower load factor customers. Please provide any studies or analyses relative to Duke Energy Kentucky's filing that support Mr. Higgins' claim that higher load factor customers within a class, specifically Rate DT, subsidize lower load factor customers.
3. Please provide in electronic format Attachment KCH-3, Page 1 of 1.

DUKE ENERGY KENTUCKY



John J. Finnigan, Jr.
Associate General Counsel
Duke Energy Shared Services, Inc.
Room 2500, Atrium II
P. O. Box 960
139 East Fourth Street
Cincinnati, Ohio 45201-0960
Phone: (513) 287-3601
Fax: (513)287-3810
e-mail: john.finnigan@duke-energy.com

CERTIFICATE OF SERVICE

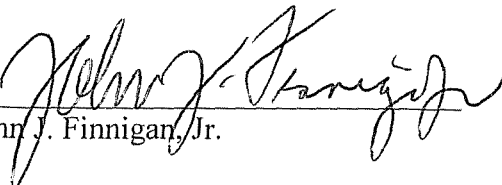
I certify that a copy of the foregoing Duke Energy Kentucky's Requests for Information to The Kroger Company and St. Elizabeth Medical Center has been served by e-mail and overnight mail, postage prepaid, to the following parties on this 26th day of September, 2006:

Hon. Elizabeth E. Blackford
Hon. Dennis Howard
Office of Attorney General
Utility Intervention and Rate Division
1024 Capital Center Drive
Frankfort, Kentucky 40601

COUNSEL FOR THE ATTORNEY GENERAL

Hon. Michael L. Kurtz
Boehm, Kurtz & Lowry
Suite 2110
36 East Seventh Street
Cincinnati, Ohio 45202

COUNSEL FOR THE KROGER COMPANY AND
ST ELIZABETH MEDICAL CENTER



John J. Finnigan, Jr.