

**BOEHM, KURTZ & LOWRY**

ATTORNEYS AT LAW  
36 EAST SEVENTH STREET  
SUITE 2110  
CINCINNATI, OHIO 45202  
TELEPHONE (513) 421-2255  
TELECOPIER (513) 421-2764

**RECEIVED**

JUL 13 2006

PUBLIC SERVICE  
COMMISSION

**Via Overnight Mail**

July 12, 2006

Beth A. O'Donnell, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40602

**Re: Case No. 2006-00172**

Dear Ms. O'Donnell:

Please find enclosed the original and twelve (12) copies of the first Set of Data Requests of The Kroger Co. and St. Elizabeth Medical Center to ULH&P Company dba Duke Energy Kentucky in the above-referenced matter. By copy of this letter, all parties listed on the Certificate of Service have been served.

Please place this document of file.

Very Truly Yours,



Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.

**BOEHM, KURTZ & LOWRY**

MLKkew  
Attachment  
cc: Certificate of Service

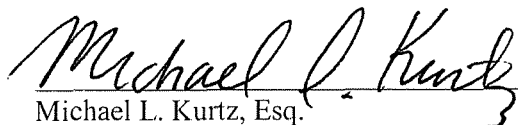
## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy, via electronic mail and by first-class postage prepaid mail to all parties on the 12<sup>th</sup> day of July, 2006.

Honorable Elizabeth E. Blackford  
Assistant Attorney General  
Office of the Attorney General  
Utility & Rate Intervention Division  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204  
[betsy.blackford@ag.ky.gov](mailto:betsy.blackford@ag.ky.gov)

Honorable John J. Finnigan, Jr.  
Senior Counsel  
The Union Light, Heat and Power Company  
139 East Fourth Street  
Cincinnati, OH 45202  
[jfinnigan@cinergy.com](mailto:jfinnigan@cinergy.com)

Sandra P. Meyer, President  
Duke Energy Kentucky, Inc.  
139 East Fourth Street  
Cincinnati, OH 45202  
[spmeyer@duke-energy.com](mailto:spmeyer@duke-energy.com)

A handwritten signature in cursive script, reading "Michael L. Kurtz", written over a horizontal line.

Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.

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

In The Matter Of Notice of ULH&P Company dba Duke Energy :  
Kentucky's Intent to File A General Electric Rate Case : Case No.2006-00172

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**FIRST SET OF DATA REQUEST OF  
THE KROGER CO. AND ST. ELIZABETH MEDICAL CENTER  
TO  
ULH&P COMPANY DBA DUKE ENERGY KENTUCKY**

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Michael L. Kurtz, Esq.  
Kurt J. Boehm, Esq.  
**BOEHM, KURTZ & LOWRY**  
36 East Seventh Street, Suite 1510  
Cincinnati, Ohio 45202  
Ph: (513) 421-2255 Fax: (513) 421-2764  
E-Mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)  
[kboehm@BKLawfirm.com](mailto:kboehm@BKLawfirm.com)

**COUNSEL FOR THE KROGER CO. AND  
ST. ELIZABETH MEDICAL CENTER**

**Dated: July 12, 2006**

## DEFINITIONS

1. "Document" means the original and all copies (regardless of origin and whether or not additional writing thereon or attached thereto) of memoranda, reports, books, instructions, directives, records, forms, notes, letters, notices, confirmations, pamphlets, notations of any sort concerning conversations, telephone calls, meetings, communications, bulletins, transcripts, diaries, analyses, summaries, correspondence, investigations, questionnaires, surveys, worksheets, and all drafts, preliminary alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing, in whatever form, stored or contained in or on whatever medium, computerized memory or magnetic media.
2. "Study" means any written, recorded, transcribed, taped, filmed, or graphic matter, produced or reproduced, either formally or informally, a particular issue or situation, in detail, whether or not the consideration of the issue or situation is in a preliminary stage, whether or not the consideration was discontinued prior to completion.
3. "Person" means any natural person, corporation, professional corporation, partnership, association, joint venture, proprietorship, firm, or the other business enterprise or legal entity.
4. A request to identify a natural person means to state his or her full name and residence, his or her present last known position and business affiliation at the time in question.
5. A request to identify a document means to state the date or dates, author or originator, matter, all addressees and recipients, type of document (e.g., letter, memorandum, chart, etc.), number or code number thereof or other means of identifying it, and its location and custodian. If any such document was, but is no longer in the Company's possession or subject to its control, state what disposition was made of it.
6. A request to identify a person other than a natural person means to state its full name, the location of its principal office, and the type of entity.
7. "And" and "or" should be considered to be both conjunctive and disjunctive, unless specifically stated otherwise.
8. "Each" and "any" should be considered to be both singular and plural, unless specifically stated otherwise.
9. Words in the past tense should be considered to include the present, and words in the present tense include the past, unless specifically stated otherwise.
10. "You" or "your" means the person whose filed testimony is the subject of these interrogatories, and, to the extent relevant and necessary to provide full and complete answers to an interrogatory, "you" or "your" may be deemed to include any person with information relevant to the interrogatory who is or was employed by or otherwise associated with the witness being assisted, in any way, in the preparation of the witness' testimony.
11. "Duke" or "Company" means ULH&P Company dba Duke Energy Kentucky, and/or any officers, directors, employees or agents who may have knowledge of the particular matter being addressed.

## INSTRUCTIONS

1. If any matter is evidenced by, referenced to, reflected by, represented by, or record document, please identify and produce for discovery and inspection each such document.
2. These interrogatories are continuing in nature, and information which the responding party becomes aware of, or has access to, and which is responsive to any request is to be made available to the Kroger Co. and St. Elizabeth Medical Center. Any studies, documents, or other information subject matter not yet completed that will be relied upon during the course of this case shall be so identified and provided as soon as they are completed. The Respondent is obligated to supplement and correct all answers to interrogatories to conform to available information, including such information as it first becomes available to the Respondent after the interrogatories hereto are served.
3. Unless otherwise expressly provided, each interrogatory should be construed independently and not with reference to any other interrogatory herein for purpose of limitation.
4. The answers provided should first restate the question asked and also identify the source of the information supplying the information.
5. Please answer each designated part of each information request separately. If you do not have complete information with respect to any interrogatory, so state and give as much information as you do have with respect to the matter inquired about, and identify each person whom you believe may have additional information with respect thereto.
6. In the case of multiple witnesses, each interrogatory should be considered to apply to each witness who will testify to the information requested. Where copies of testimony, transcripts, or depositions are requested, each witness should respond individually to the information requested.
7. The interrogatories are to be answered under oath by the witness(es) responsible for the information.
8. Responses to requests for revenue, expense and rate base data should provide data on the Total Company as well as Intrastate data, unless otherwise requested.

**FIRST SET OF DATA REQUEST OF  
THE KROGER CO. AND ST. ELIZABETH MEDICAL CENTER  
TO  
ULH&P COMPANY DBA DUKE ENERGY KENTUCKY  
PSC CASE NO. 2006-00172**

**Referring to the Testimony of Paul F. Ochsner**

1. Page 8, Line 12 Please provide an electronic copy with formulas intact, preferably in M format, of FR 10(9)(v)-1, the class cost of service study using the average of the 12 Coin Peak (12 CP) allocation methodology for the test period ending December 31, 2007.
2. Page 9, Lines 9-10 Please provide an electronic copy with formulas intact, preferably in Excel format, of FR 10(9)(v)-4 through FR 10(9)(v)-18 the functionalized class cost of study using the average of the 12 Coincident Peak (12 CP) allocation methodology for e schedule for the test period ending December 31, 2007.
3. Page 5, Lines 20-21 Please provide an electronic copy with formulas intact, preferably i Excel format, of FR 10(9)(v)-2, the class cost of service study using the Average and Ex allocation methodology for the test period ending December 31, 2007.
4. Page 5, Lines 20-21 Please provide an electronic copy with formulas intact, preferably i Excel format, of FR 10(9)(v)-3, the class cost of service study using the Summer/Non-S allocation methodology for the test period ending December 31, 2007.
5. Please fully explain the distinction between the “Total Rate Base” for each rate class an allocation of “Capitalization” for each rate class shown in the various cost of service stu
6. Page 21, Line 2 Please provide an electronic copy with formulas intact, preferably in M format, of Attachment PFO-4, the computation of the rate increase by rate class propose Duke Energy Kentucky.

**Referring to the Testimony of Jeffrey R. Bailey**

7. Page 4, Line 10 Please provide an electronic copy with formulas intact, preferably in M format, of Schedule M including M-2.1, M -2.2, and M – 2.3), the comparison of preser proposed revenue by rate schedule for the test period ending December 31, 2007.
8. Please provide an electronic copy with formulas intact, preferably in MS Excel format, design work papers.
9. Why has Duke Energy Kentucky chosen to design its time-of-day rates by price-differer only the demand charge with respect to peak and off-peak usage and not the energy char

10. Please provide the Test Period kWh for DT in the following categories:
  - a. Summer On-Peak
  - b. Winter On-Peak
  - c. Off-Peak
11. Please provide Test Period system average energy costs for the following categories:
  - a. Summer On-Peak
  - b. Winter On-Peak
  - c. Off-Peak
12. If the information requested in #11 above is not readily available and Duke Energy Kent not willing to make the calculations necessary to answer the question, please provide the necessary to make the calculation.
13. Please provide Test Period system marginal energy costs for the following categories:
  - a. Summer On-Peak
  - b. Winter On-Peak
  - c. Off-Peak
14. If the information requested in #13 above is not readily available and Duke Energy Kent not willing to make the calculations necessary to answer the question, please provide the necessary to make the calculation.

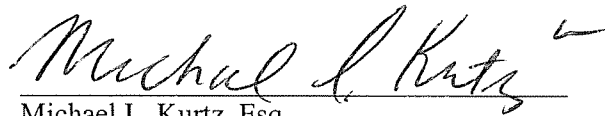
**With respect to the Company's proposed PowerShare Call Option program, please provide the following:**

15. Please provide the calculation and basis for the proposed avoided cost-based demand rates. If your proposed buy-back rates do not reflect full avoided cost, then please provide calculation for and amount of your full avoided demand and energy costs.
16. Please provide the number of customers and amount of load currently on the program.
17. If Duke has any similar programs in other jurisdictions, please provide program details at the level of any demand and energy credits.
18. Under which section of the fuel adjustment clause regulation do you rely on to support your proposal that PowerShare costs be subject to FAC recovery? If FAC recovery is not available, do you have any alternative cost recovery plan?

**Please provide the following information for each of the Woodsdale CTs:**

19. Over the most recent 12 months, how many hours did each unit actually operate?
20. Over the last 12 months what was the total dispatch cost of each unit? Please provide a breakdown into fuel, variable O&M, etc.
21. How quickly can each of the units be started?

Respectfully submitted,



Michael L. Kurtz, Esq.

Kurt J. Boehm, Esq.

**BOEHM, KURTZ & LOWRY**

36 East Seventh Street, Suite 1510

Cincinnati, Ohio 45202

Ph: (513) 421-2255 Fax: (513) 421-2764

E-Mail: [mkurtz@BKLawfirm.com](mailto:mkurtz@BKLawfirm.com)

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

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ST. ELIZABETH MEDICAL CENTER**

July 12, 2006