

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF)
THE FUEL ADJUSTMENT CLAUSE OF DUKE)
ENERGY KENTUCKY FROM NOVEMBER 1, 2006) CASE NO. 2008-00522
THROUGH OCTOBER 31, 2008)

O R D E R

Pursuant to 807 KAR 5:056, Section 1(12), IT IS HEREBY ORDERED that:

1. Duke Energy Kentucky ("Duke Kentucky") shall appear in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, on March 17, 2009 at 10:00 a.m., Eastern Daylight Time, to submit itself to examination on the application of its fuel adjustment clause from November 1, 2006 to October 31, 2008.
2. Not less than 7 days nor more than 21 days prior to the scheduled hearing, Duke Kentucky shall publish in a newspaper of general circulation in each area in which it serves notice of the purpose, time, place and date of the scheduled hearing.
3. Duke Kentucky shall file with the Commission no later than March 17, 2009 proof of publication of its notice for the hearing.
4. The Commission adopts the procedural schedule set forth in Appendix A to this Order.
5. a. Duke Kentucky shall file with the Commission on or before February 11, 2009 the information listed in Appendix B. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the questions related to the

information provided, with copies to all parties of record and 5 copies to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is subsequently incorrect in any material respect.

d. For any request to which a party refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention shall be given to copied material to ensure its legibility. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be provided for total company operations and jurisdictional operations, separately.

6. Duke Kentucky shall, on or before February 11, 2009, file with the Commission written direct testimony of the witnesses Duke Kentucky intends to call at

the scheduled hearing in this matter. The written direct testimony of these witnesses shall address, inter alia, the following issues:

a. The reasonableness of Duke Kentucky's fuel procurement practices during the review period.

b. Coal suppliers' adherence to contract delivery schedules during the review period.

c. Duke Kentucky's efforts to ensure coal suppliers' adherence to contract delivery schedules during the review period.

d. Duke Kentucky's efforts to maintain the adequacy of its coal supplies in light of any coal supplier's inability or unwillingness to make contract coal deliveries.

e. Any changes in coal market conditions that occurred during the review period or that Duke Kentucky expects to occur within the next 2 years that have significantly affected or will significantly affect Duke Kentucky's coal procurement practices.

f. Any changes in the wholesale electric power market that occurred during the review period or that Duke Kentucky expects to occur within the next 2 years that have significantly affected or will significantly affect Duke Kentucky's electric power procurement practices.

7. At the scheduled hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.

8. Any party that files testimony in this proceeding shall file the original and 5 copies of that testimony.

9. Service of any document or pleading shall be made in accordance with 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

10. All documents that the Commission requires any party to file with the Commission shall also be served upon all parties of record at or before the time of filing.

11. Intervenors may serve interrogatories and requests for production of documents upon Duke Kentucky in accordance with the procedural schedule set forth in Appendix A.

12. All documents that Duke Kentucky filed with the Commission pursuant to 807 KAR 5:056, Section 1(7) and 1(9), for the period under review are incorporated by reference into the record of this proceeding.

13. The records of Cases No. 2007-00280,¹ No. 2007-00526,² and No. 2008-00287³ are incorporated by reference into this proceeding.

14. Any intervening party that wishes to file testimony in this matter shall advise the Commission in writing of its wishes and shall, no later than February 23, 2009, move for modification of the procedural schedule to permit the filing of its testimony.

15. Motions for extensions of time shall be made in writing and will be granted only upon a showing of good cause.

¹ Case No. 2007-00280, An Examination of the Application of the Fuel Adjustment Clause of Duke Energy Kentucky from November 1, 2006 through April 30, 2007.


² Case No. 2007-00526, An Examination of the Application of the Fuel Adjustment Clause of Duke Kentucky from May 1, 2007 through October 31, 2007.

³ Case No. 2008-00287, An Examination of the Application of the Fuel Adjustment Clause of Duke Kentucky from November 1, 2007 through April 30, 2008.

Done at Frankfort, Kentucky, this 23rd day of January, 2009.

By the Commission

ATTEST:


Executive Director *for Jeff Derouen*
w/permission

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2008-00522 DATED JANUARY 23, 2009

Duke Kentucky shall file with the Commission the direct testimony of its witnesses in verified prepared form and the information set forth in Appendix B no later than.....	02/11/2009
Intervenors and Commission Staff may serve interrogatories and requests for production of documents upon Duke Kentucky no later than.....	02/23/2009
Duke Kentucky shall file with the Commission responses to interrogatories and requests for production of documents no later than.....	03/06/2009
Last day for Duke Kentucky to publish notice of hearing date	03/10/2009
Public Hearing is to begin at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses.....	03/17/2009

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2008-00522 DATED JANUARY 23, 2009

1. State the month to be used as the base period (b). Include a comprehensive, detailed explanation of the factors considered in the selection of this month as being representative of the net generating cost per kWh that Duke Kentucky will incur between November 1, 2008 and October 31, 2010 ("the next 2-year period").

2. Provide a calculation of the fossil fuel costs F(b) that Duke Kentucky proposes to use to calculate the base period fuel cost. This calculation shall show each component of F(b) as defined by 807 KAR 5:056. Explain why the fuel cost in the selected base period is representative of the level of fuel cost that Duke Kentucky will incur during the next 2-year period.

3. Provide a schedule showing each component of sales as defined by 807 KAR 5:056 in the selected base period (b). Explain why Duke Kentucky believes that the sales in the selected base period (b) are representative of the level of kWh sales that Duke Kentucky will derive from the level of fuel cost incurred during the selected base period (b).

4. Provide a schedule showing the calculation of Duke Kentucky's proposed increase or decrease in its base fuel cost per kWh to be incorporated into its base rate.

5. Provide Duke Kentucky's most recent projected fuel requirements for the years 2009 and 2010 in tons and dollars.

6. Provide Duke Kentucky's most recent sales projections for the years 2009 and 2010 in kWh and dollars.

7. Provide separately the amounts of power purchases used in the calculation of sales provided in response to Item 3.

8. Provide separately the amounts of intersystem power sales used in the calculation of sales provided in response to Item 3.

9. Provide the planned maintenance schedule for each of Duke Kentucky's generating units for the years 2009 and 2010.

10. For the years ending October 31, 2007 and October 31, 2008, provide:

a. Maximum annual system demand; and

b. Average annual demand.

11. List all firm power commitments for Duke Kentucky for the years 2009 and 2010 for (a) purchases and (b) sales. This list shall identify the other party (buyer or seller), the amount of commitment in MW, and the purpose of the commitment (e.g., peaking, emergency).

12. Provide a monthly billing summary for all sales other than native load sales for the period November 1, 2006 through October 31, 2008.

13. a. Provide a schedule of the calculation of the 12-month average line loss by month for November 2006 through October 2008.

b. Describe the actions that Duke Kentucky has taken to reduce line loss during this period.

14. List Duke Kentucky's scheduled, actual, and forced outages between May 1, 2008 and October 31, 2008.

15. For each existing fuel contract categorized as long-term (i.e., more than 1 year in length), provide:

- a. Supplier's name and address;
- b. Name and location of production facility;
- c. Date contract executed;
- d. Duration of contract;
- e. Date of each contract revision, modification, or amendment;
- f. Annual tonnage requirements;
- g. Actual annual tonnage received since the contract's inception;
- h. Percent of annual requirements received during the contract's term;
- i. Base price;
- j. Total amount of price escalations to date; and
- k. Current price paid for coal under the contract (i + j).

16. Provide a schedule of the present and proposed rates that Duke Kentucky seeks to change pursuant to 807 KAR 5:056, shown in comparative form.

17. Provide a statement showing by cross-outs and italicized inserts all proposed changes in rates. A copy of the current tariff may be used.

18. a. State whether Duke Kentucky regularly compares the price of its coal purchases with those paid by other electric utilities.

b. If yes, state:

(1) The utilities that are included in this comparison and their location; and

(2) How Duke Kentucky's prices compare with those of the other utilities for the review period. Include all prices used in the comparison.

19. List the percentage of Duke Kentucky's coal, as of the date of this Order, that is delivered by:

- a. Rail;
- b. Truck; or
- c. Barge.

20. a. State Duke Kentucky's coal inventory level in tons and in number of days' supply as of November 1, 2008. Provide this information by plant and in the aggregate.

- b. Describe the criteria used to determine the number of days' supply.
- c. Compare Duke Kentucky's coal inventory as of November 1, 2008

to its inventory target for that date for each plant and for total inventory.

d. If actual coal inventory exceeds inventory target by 10 days' supply, state the reasons for the additional inventory.

e. (1) Does Duke Kentucky expect any significant changes in its current coal inventory target within the next 12 months?

(2) If yes, state the expected change and the reasons for this change.

21. a. Has Duke Kentucky audited any of its coal contracts during the period from May 1, 2008 to October 31, 2008?

b. If yes, for each audited contract:

- (1) Identify the contract;
- (2) Identify the auditor;
- (3) State the results of the audit; and

(4) Describe the actions that Duke Kentucky took as a result of the audit.

22. a. Has Duke Kentucky received any complaints regarding its fuel adjustment clause during the period from May 1, 2008 to October 31, 2008?

b. If yes, for each complaint, state:

(1) The nature of the complaint; and

(2) Duke Kentucky's response.

23. a. Is Duke Kentucky currently involved in any litigation with its current or former coal suppliers?

b. If yes, for each litigation:

(1) Identify the coal supplier;

(2) Identify the coal contract involved;

(3) State the potential liability or recovery to Duke Kentucky;

(4) List the issues presented; and

(5) Provide a copy of the complaint or other legal pleading that initiated the litigation and Duke Kentucky's response, if not previously filed with the Commission.

c. State the current status of all litigation with coal suppliers.

24. List each written coal supply solicitation issued during the period May 1, 2008 to October 31, 2008.

a. For each solicitation, provide the date of the solicitation (contract or spot), the quantities solicited, a general description of the quality of coal solicited, the

time period over which deliveries were requested, and the generating units(s) for which the coal was intended.

b. For each solicitation, state the number of vendors to whom the solicitation was sent, the number of vendors who responded, and the selected vendor. Provide the bid tabulation sheet or corresponding document that ranks the proposals. (This document shall identify all vendors who made offers.) State the reasons for each selection.

25. List each oral coal supply solicitation issued during the period from May 1, 2008 to October 31, 2008.

a. For each solicitation, state why the solicitation was not written, the date(s) of the solicitation, the quantities solicited, a general description of the quality of coal solicited, the time period over which deliveries were requested, and the generating unit(s) for which the coal was intended.

b. For each solicitation, identify all vendors solicited and the vendor selected. Provide the bid tabulation sheet or other document that ranks the proposals. (This document shall identify all vendors who made offers.) State the reasons for each selection.

26. For the period from May 1, 2008 to October 31, 2008, list each vendor from whom coal was purchased and the quantity and nature of each purchase (e.g., spot or contract).

27. For each generating station or unit for which a separate coal pile is maintained, state for the period from May 1, 2008 to October 31, 2008 the actual

amount of coal burned in tons, actual amount of coal deliveries in tons, total kWh generated, and actual capacity factor at which the plant operated.

28. a. During the period from May 1, 2008 to October 31, 2008, have there been any changes to Duke Kentucky's written policies and procedures regarding its fuel procurement?

b. If yes,

(1) What were these changes?

(2) When were these changes made?

(3) Why were they made?

(4) Provide these written policies and procedures as changed.

c. If no, provide the date when Duke Kentucky's current fuel procurement policies and procedures were last changed and when they were last provided to the Commission.

29. a. Is Duke Kentucky aware of any violation of its policies and procedures regarding fuel procurement that occurred prior to or during the period from May 1, 2008 to October 31, 2008?

b. If yes, for each violation:

(1) Describe the violation;

(2) Describe the action(s) that Duke Kentucky took upon discovering the violation.

(3) Identify the person(s) who committed the violation.

30. Identify all changes in the organizational structure and personnel of the departments or divisions that are responsible for Duke Kentucky's fuel procurement activities that occurred during the period from May 1, 2008 to October 31, 2008.

31. a. Identify all changes that Duke Kentucky made during the period from May 1, 2008 to October 31, 2008 to its maintenance and operation practices that affect fuel usage at Duke Kentucky's generation facilities.

b. Describe the effect of these changes on Duke Kentucky's fuel usage.

32. a. List all intersystem sales during the period from May 1, 2008 to October 31, 2008 in which Duke Kentucky used a third party's transmission system.

b. For each sale listed above:

(1) Describe how Duke Kentucky addressed, for fuel adjustment clause reporting purposes, the cost of fuel expended to cover any line losses incurred to transmit its power across the third party's transmission system; and

(2) State the line loss factor used for each transaction and describe how such line loss factor was determined.

33. Describe any changes that occurred during the period from May 1, 2008 to October 31, 2008 that affected Duke Kentucky's determination of intersystem sales line losses.

34. a. If its 2-year case results in a roll-in of fuel costs into Duke Kentucky's base rates, does Duke Kentucky prefer using a "flash cut" approach, which results in an immediate change from its existing base fuel cost to its new base fuel cost, or a "transitional approach" in which the first month's fuel cost is an average of the old

and new base fuel cost? Explain.

b. If its 2-year case results in a roll-in of fuel costs into Duke Kentucky's base rates, does Duke Kentucky prefer changing its rates on a "bills rendered" basis or a "service rendered" basis? Explain.

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