



an e-on company

Mr. Jeff DeRouen  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, Kentucky 40601

**Louisville Gas and  
Electric Company**  
State Regulation and Rates  
220 West Main Street  
PO Box 32010  
Louisville, Kentucky 40232  
www.eon-us.com

RECEIVED

AUG 28 2009

PUBLIC SERVICE  
COMMISSION

Robert M. Conroy  
Director - Rates  
T 502-627-3324  
F 502-627-3213  
robert.conroy@eon-us.com

August 28, 2009

**RE: APPLICATION OF LOUISVILLE GAS AND ELECTRIC  
COMPANY FOR A CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY AND APPROVAL OF ITS 2009 COMPLIANCE  
PLAN FOR RECOVERY BE ENVIRONMENTAL SURCHARGE  
Case No. 2009-00198**

Dear Mr. DeRouen:

Please find enclosed and accept for filing an original and ten (10) copies of Louisville Gas and Electric Company's Certificate of Completed Notice and a Petition for Approval to Deviate from Rule in the above-referenced matter.

If you have any questions regarding this matter, please contact me at (502)-627-3324.

Sincerely,

Robert M. Conroy

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

**In the Matter of:**

**THE APPLICATION OF LOUISVILLE GAS AND )  
ELECTRIC COMPANY FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
AND APPROVAL OF ITS 2009 COMPLIANCE ) CASE NO. 2009-00198  
PLAN FOR RECOVERY BY ENVIRONMENTAL )  
SURCHARGE )**

**PETITION FOR APPROVAL TO DEVIATE FROM RULE**

Louisville Gas and Electric Company (“LG&E”) petitions the Kentucky Public Service Commission (“Commission”) to grant LG&E approval pursuant to 807 KAR 5:011 § 14, to deviate from the notice requirements in the above-captioned proceeding because LG&E has substantially complied with the Commission’s notice regulations. In support of this petition, LG&E states as follows:

1. The purpose of the Commission’s notice regulations is to ensure that the public has sufficient notice of LG&E’s application and a meaningful opportunity to participate, individually or through representative agencies, in this proceeding. As stated by the Kentucky Supreme Court:

Substantial compliance in regard to publication requirements has been authorized. The purpose of the statute is to allow the public an ample opportunity to become sufficiently informed on the public question involved.<sup>1</sup>

2. On June 26, 2009, LG&E filed its application asking the Commission to issue an order granting LG&E a Certificate of Public Convenience and Necessity for the construction of a

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<sup>1</sup> *Conrad v. Lexington-Fayette Urban County Government*, 659 S.W.2d 190, 195 (1983) (citing *Queenan v. City of Louisville*, 233 S.W.2d 1010 (1950)). See also *Lyon v. County of Warren*, 325 S.W.2d 302 (1959) (publishing notice of bond referendum outside statutory time limits, accompanied by media attention and other means, held sufficient notice to public).

new landfill at the Trimble County Generating Station, and approving an amended compliance plan for purposes of recovering the costs of new pollution control facilities through its Environmental Surcharge tariff. Prior to filing its application, and in full compliance with all applicable notice regulations,<sup>2</sup> on June 11, 2009, LG&E delivered to the Kentucky Press Association a notice of the filing of its application for publication in 20 newspapers in LG&E's service areas, once a week for three consecutive weeks, with the first publication to begin the week of June 19, 2009.<sup>3</sup>

3. In an attempt to avoid notice publication shortfalls, in its most recent base rate case (Case No. 2008-00252),<sup>4</sup> LG&E, the Office of the Attorney General, and the Commission's Executive Director wrote letters to all the newspapers in which LG&E's notice was to be published to impress upon the staffs of those newspapers the importance of timely publishing notices. (An illustrative copy of the LG&E letter is attached hereto as Exhibit A.) LG&E had hoped the letters would impact not only its rate case notice publications but also subsequent notice publications.

4. Notwithstanding these efforts, the following small local newspaper deviated from LG&E's requested publication. In reviewing this deviation, LG&E respectfully requests that the Commission consider that the newspaper of largest circulation in the Commonwealth and in LG&E's service territory, the *Louisville Courier-Journal*, timely published LG&E's notice on June 24, July 1, and July 8.

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<sup>2</sup> LG&E has consistently treated 807 KAR 5:011 §8 as the applicable notice regulation in environmental surcharge proceedings. Though the regulation does not explicitly apply to applications such as this one, nor has the Commission held that it is the appropriate notice regulation, no other notice regulation would logically apply.

<sup>3</sup> See Application, Certificate of Notice.

<sup>4</sup> *In the Matter of: Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Base Rates.*

a. The *LaRue County Herald News*, published in Hodgenville, Kentucky, and covering LaRue County, published LG&E's notice on June 24 and July 8, but failed to publish the notice as scheduled on July 1 due to the notice's having been inadvertently left off of the page on which it was to have been printed. LG&E scheduled an additional notice publication on August 19 to complete the three-publication requirement, so that the notice ran in the *LaRue County Herald News* on June 24, July 8, and August 19.

5. In addition to causing notice of the filing of its Application in this case to be published in newspapers of general circulation in its service areas, LG&E included an insert containing its notice in its customers' bills during the billing cycle that began on June 29, 2009. Because that billing cycle is now complete, every LG&E customer has received the notice as a bill insert.

6. Also, in compliance with 807 KAR 5:011 §8(2), on June 26, 2009, LG&E posted its notice for public inspection at its offices and places of business in the territory affected by the application.

7. As an additional means of giving notice, LG&E has posted on its website its Application in this proceeding.

8. In view of the fact that the great majority of the newspapers in LG&E's service territory—including the newspaper of largest circulation in the Commonwealth and in LG&E's service territory, the *Louisville Courier-Journal*—timely published all required notices, as well as LG&E's having included inserts of the notice in all of its customers' bills, LG&E respectfully requests a deviation from the Commission's notice regulations with respect to the one instance of non-conformity cited above. Moreover, the paper of largest circulation published in each county has now published LG&E's notice three times each.

9. As noted at the beginning of this Petition, the Kentucky Supreme Court has stated, “Substantial compliance in regard to publication requirements has been authorized. The purpose of the statute is to allow the public an ample opportunity to become sufficiently informed on the public question involved.”<sup>5</sup> LG&E respectfully submits that it has substantially complied with the requirements of the Commission’s notice regulations through its publication of the notice, bill inserts, and posting the notice in LG&E’s offices and places of business. Also, the notice and Application is posted on LG&E’s website. It is therefore clear that LG&E has achieved and is achieving the purpose of the Commission’s applicable notice regulations, namely ensuring that the public has sufficient notice of LG&E’s application and a meaningful opportunity to participate, individually or through representative agencies, in this proceeding. LG&E therefore respectfully requests the Commission to grant a deviation from its notice regulations, deeming LG&E’s substantial compliance to be sufficient compliance with those regulations in this proceeding.

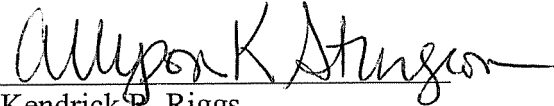
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<sup>5</sup> *Conrad v. Lexington-Fayette Urban County Government*, 659 S.W.2d 190, 195 (1983) (citing *Queenan v. City of Louisville*, 233 S.W.2d 1010 (1950)). See also *Lyon v. County of Warren*, 325 S.W.2d 302 (1959) (publishing notice of bond referendum outside statutory time limits, accompanied by media attention and other means, held sufficient notice to public).

**WHEREFORE**, Louisville Gas and Electric Company respectfully requests that, pursuant to 807 KAR 5:011 § 14, the Commission grant a deviation from its notice regulations, deeming LG&E's substantial compliance to be sufficient compliance with those regulations in this proceeding.

Dated: August 28, 2009

Respectfully submitted,



Kendrick R. Riggs  
W. Duncan Crosby III  
Stoll Keenon Ogden PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, Kentucky 40202-2828  
Telephone: (502) 333-6000

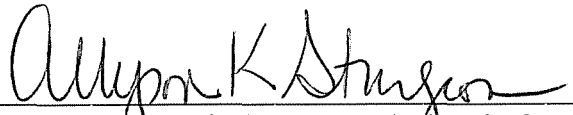
Allyson K. Sturgeon  
Senior Corporate Attorney  
E.ON U.S. LLC  
220 West Main Street  
Louisville, Kentucky 40202  
Telephone: (502) 627-2088

Counsel for Louisville Gas and Electric Company

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Petition for Approval to Deviate from Rule was served on the following persons on the 28th day of August, 2009, United States mail, postage prepaid:

Michael L. Kurtz  
Boehm Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OH 45202

  
\_\_\_\_\_  
Counsel for Louisville Gas and Electric Company

# Exhibit A

Illustrative Copy of LG&E  
Letter To Newspapers Dated  
July 10, 2008



Kathy Riddle, Ad Manager  
Metcalfe County Light  
P. O. Box 87

Edmonton, Kentucky 42129

July 10, 2008

Dear Sir or Madam:

This letter is to inform you that you will soon receive a notice of a proposed rate increase from Louisville Gas and Electric Company required by 807 KAR 5:001, § 10(4) and 807 KAR 5:011, § 8, to be published three consecutive weeks, the first publication to occur before the rate increase application is filed with the Kentucky Public Service Commission. I am sending this letter to all newspapers that will be requested, pursuant to KRS 424.120, to publish the notice to emphasize the importance of compliance with these publication requirements, and to ask that, if you have questions with regard to the requirements, please contact me.

Thank you very much for your assistance.

Sincerely,

Lonnie E. Bellar

**Louisville Gas and  
Electric Company**  
State Regulation and Rates  
220 West Main Street  
PO Box 32010  
Louisville, Kentucky 40232  
[www.eon-us.com](http://www.eon-us.com)

Lonnie E. Bellar  
Vice President  
T 502-627-4830  
F 502-217-2109  
[lonnie.bellar@eon-us.com](mailto:lonnie.bellar@eon-us.com)

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

**In the Matter of:**

**THE APPLICATION OF LOUISVILLE GAS AND )**  
**ELECTRIC COMPANY FOR A CERTIFICATE )**  
**OF PUBLIC CONVENIENCE AND NECESSITY )**  
**AND APPROVAL OF ITS 2009 COMPLIANCE )** CASE NO. 2009-00198  
**PLAN FOR RECOVERY BY ENVIRONMENTAL )**  
**SURCHARGE )**

**CERTIFICATE OF COMPLETED NOTICE**

To: The Public Service Commission, Frankfort, Kentucky

Pursuant to the Rules Governing Tariffs (effective August 4, 1984), I hereby certify that I am Lonnie E. Bellar, Vice President, State Regulation and Rates for Louisville Gas and Electric Company ("LG&E" or "Company"), a utility furnishing retail electric service within the Commonwealth of Kentucky which, on the 26th day of June, 2009, filed an application with the Kentucky Public Service Commission seeking an order granting LG&E a Certificate of Public Convenience and Necessity for the construction of a new landfill at the Trimble County Generating Station, and approving an amended compliance plan for purposes of recovering the costs of new pollution control facilities through its Environmental Surcharge tariff. Notice to the public of the filing of the application has been completed in substantial compliance with Section 8 of 807 KAR 5:011 as follows:

That more than twenty (20) customers will be affected by said change by way of an increase in their bills, and that on the 11<sup>th</sup> day of June, 2009, there was delivered to the Kentucky Press Association, an agency that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky in which customers affected reside, for publication in such newspapers once a week for three consecutive weeks beginning the week of June 19, 2009, pursuant to 807 KAR 5:011, Section 8(2)(c), a notice of the filing of LG&E's Application in this


case. Publication of this notice is now complete, though some minor deviations occurred for which LG&E is petitioning the Commission today for deviation under 807 KAR 5:011, Section 14. An affidavit from the Kentucky Press Association confirming this publication and a copy of said notice are enclosed in the envelope marked Exhibit A. The Kentucky Press Association has presented to LG&E proof of this publication of notice in the form of “tear sheets,” which LG&E will maintain in its files.

On the 26th day of June, 2009, notice was exhibited for public inspection at 820 West Broadway Street, Louisville, KY 40202 and that the same will be kept open to public inspection at said office in conformity with the requirements of 807 KAR 5:011, Section 8.

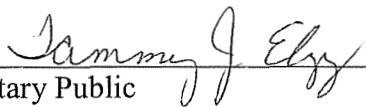
I further certify that LG&E included a general statement explaining the Application in this case with the bills for all Kentucky retail customers during the course of their regular monthly billing cycle beginning on June 29, 2009. An accurate copy of this general statement is marked as Exhibit B and attached hereto.

I further certify that, an additional means of giving notice, LG&E has posted on its website its Application in this proceeding.

Given under my hand this 28th day of August, 2009

  
\_\_\_\_\_  
Lonnie E. Bellar  
Vice President, State Regulation and Rates  
Louisville Gas and Electric Company  
220 West Main Street  
Louisville, Kentucky 40202

Subscribed and sworn to before me, a Notary Public in and before said County and State,  
this 28th day of August, 2009.

 (SEAL)  
\_\_\_\_\_  
Notary Public

My Commission Expires:

November 9, 2010

# Exhibit A

## Affidavits Attesting to Publication of Notice to Customers

**NOTARIZED PROOF OF PUBLICATION**

COMMONWEALTH OF KENTUCKY

COUNTY OF Franklin

Before me, a Notary Public, in and for said county and state, this 30<sup>th</sup> day of June, 2009, came RACHEL McCARTY, personally known to me, who, being duly sworn, states as follows: that she is the Advertising Assistant of the Kentucky Press Service, Inc.; that she has personal knowledge of the contents of this Affidavit; that the newspapers shown on Attachment No. 1 to this Affidavit published the Notice to Customers, on the dates shown thereon at the request of Kentucky Press Service, Inc. for Louisville Gas and Electric Company; that the form and content of the Notice submitted for publication to each paper is shown in Attachment No. 2 to this Affidavit; and that the Kentucky Press Service, Inc. has presented to Louisville Gas and Electric Company proof of these publications in the form of "tear sheets" for retention in its files. Said Notice pertains to the Application for Approval of an Amended Compliance Plan to be filed June 26, 2009, in Case No. 2009-00198.

Rachel McCarty  
Signature

Bonnie J. Howard  
Notary Public  
My Commission Expires: 9-18-12

(SEAL)

[Attachments: (1) List of publications and dates of publication; (2) sample published notice]

7<sup>st</sup> Notice

# **KENTUCKY PRESS SERVICE**

**101 Consumer Lane  
(502) 223-8821**

**Frankfort, KY 40601  
FAX (502) 875-2624**

***Rachel McCarty Advertising Dept.***

List of newspapers running the Notice to Louisville Gas and Electric Company. Attached tearsheets provide proof of publication:

Bardstown KY Standard: 6-21  
Bedford Trimble Banner: 6-24  
Brandenburg Meade Co. Messenger: 6-24  
Brandenburg News Standard: 6-19  
Cave City Barren Co. Progress: 6-25  
Edmonton Herald News: 6-24  
Elizabethtown Hardin Co. Independent.: 6-25  
Elizabethtown News Enterprise: 6-22  
Glasgow Daily Times: 6-22  
Greensburg Record Herald: 6-24  
Hodgenville Larue Co. Herald News: 6-24  
Lagrange Oldham Era: 6-25  
Lebanon Enterprise: 6-24  
Louisville Courier Journal: 6-24  
Munfordville Hart Co. News Herald: 6-25  
New Castle Henry Co. Local: 6-24  
Shelbyville Sentinel News: 6-24  
Shepherdsville Pioneer News: 6-22  
Springfield Sun: 6-24  
Taylorsville Spencer Magnet: 6-24

NOTICE TO CUSTOMERS OF  
LOUISVILLE GAS AND ELECTRIC COMPANY

RECOVERY BY ENVIRONMENTAL SURCHARGE OF LOUISVILLE GAS AND  
ELECTRIC'S 2009 ENVIRONMENTAL COMPLIANCE PLAN

**PLEASE TAKE NOTICE** that on June 26, 2009, Louisville Gas and Electric Company ("LG&E") will file with the Kentucky Public Service Commission ("Commission") in Case No. 2009-00198, an Application pursuant to Kentucky Revised Statute 278.183 for approval of an amended compliance plan ("LG&E's 2009 Environmental Compliance Plan") for the purpose of recovering the capital costs and operation and maintenance costs associated with new pollution control facilities through an environmental surcharge on customers' bills beginning February 2010, under LG&E's existing rate mechanism known as the environmental cost recovery surcharge or "Electric Rate Schedule ECR."

Federal, state and local environmental regulations require LG&E to continually build and upgrade equipment and facilities in order to operate in an environmentally sound manner. Specifically, LG&E is seeking Commission approval of a Certificate of Public Convenience and Necessity ("CPCN") to construct a new landfill facility at the Trimble County Generating Station near Wisers Landing in Trimble County, Kentucky. Additionally, LG&E is seeking recovery of costs associated with these environmental projects, which are necessary for compliance with the Federal Clean Air Act, the Federal Clean Water Act and the Federal Resource Conservation and Recovery Act. These additional projects primarily relate to expansion of the coal combustion byproduct (ash and gypsum) treatment basins at the Trimble County Generating Station, expansion of the landfill at the Cane Run Generating Station in Jefferson County, Kentucky, construction of a new landfill facility at the Trimble County Generating Station, and certain operating costs associated with the Air Quality Control System equipment necessary to operate Trimble County Unit 2 within the approved environmental limitations. The capital cost of these new pollution control facilities for which LG&E will seek cost recovery at this time is estimated to be \$73 million. Additional operation and maintenance expenses will be incurred for these facilities.

The estimated impact on a residential electric customer using 1,000 kilowatt hours per month is expected to be an initial monthly increase of \$0.71 for LG&E customers during 2010, with the maximum monthly increase expected to be \$0.87 during 2014.

The Environmental Surcharge Application described in this Notice is proposed by LG&E. However, the Public Service Commission may issue an order modifying or denying LG&E's Environmental Surcharge Application. Such action may result in an environmental surcharge for consumers other than the environmental surcharge described in this Notice.



Any corporation, association, body politic or person may, by motion within thirty (30) days after publication, request leave to intervene in Case No. 2009-00198. That motion shall be submitted to the Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky, 40602, and shall set forth the grounds for the request including the status and interest of the party. Intervenors may obtain copies of the Application and testimony by contacting Louisville Gas and Electric Company at 220 West Main Street, Louisville, Kentucky, 40202, Attention: Lonnie E. Bellar, Vice President, State Regulation and Rates. A copy of the Application and testimony will be available for public inspection at LG&E's offices where bills are paid after June 26, 2009.



# KENTUCKY PRESS SERVICE

101 CONSUMER LANE  
 FRANKFORT, KY 40601-  
 Voice (502) 223-8821 Fax (502) 875-2624

Tuesday, June 30, 2009 12:05 PM

*ECR 2009-00198*

*Invoice*

*pd 7-7-09*

**Agency** Vickie Harper  
 E.ON U.S. Services, Inc.  
 220 W. MAIN ST. 5TH FLOOR  
 P.O. BOX 32010  
 LOUISVILLE, KY 40202-

**PO Number**  
**Order** 09064EL0

**Client** Louisville Gas & Electric Co.

**Newspaper**

Caption	Run Date	Ad Size	Rate	Rate Name	Color	Disc.	Total
<b>BARDSTOWN KENTUCKY STANDARD</b>							
Notice to customers	06/21/2009	4 x 4.5	\$16.17	CLDIS	\$0.00	7.5000%	\$291.06
<b>BEDFORD TRIMBLE BANNER-DEMOCRAT</b>							
Notice to customers	06/24/2009	4 x 4.5	\$4.84	CLDIS	\$0.00	0.0000%	\$87.12
<b>BRANDENBURG MEADE CO. MESSENGER</b>							
Notice to customers	06/24/2009	4 x 4.5	\$9.75	CLDIS	\$0.00	7.5000%	\$175.50
<b>Brandenburg News Standard</b>							
Notice to customers	06/19/2009	5 x 4.5	\$7.00	CLDIS	\$0.00	7.5000%	\$157.50
<b>CAVE CITY BARREN CO. PROGRESS</b>							
Notice to customers	06/25/2009	4 x 4.5	\$14.60	CLDIS	\$0.00	7.5000%	\$262.80
<b>EDMONTON HERALD-NEWS</b>							
Notice to customers	06/24/2009	4 x 4.5	\$14.60	CLDIS	\$0.00	7.5000%	\$262.80
<b>ELIZABETHTOWN HARDIN CO. INDEPENDENT</b>							
Notice to customers	06/25/2009	4 x 4.5	\$7.25	CLDIS	\$0.00	7.5000%	\$130.50
<b>ELIZABETHTOWN NEWS-ENTERPRISE</b>							
Notice to customers	06/22/2009	4 x 4.5	\$22.63	CLDIS	\$0.00	7.5000%	\$407.34
<b>GLASGOW DAILY TIMES</b>							
Notice to customers	06/22/2009	4 x 5	\$10.55	CLDIS	\$0.00	7.5000%	\$211.00
<b>GREENSBURG RECORD-HERALD</b>							
Notice to customers	06/24/2009	4 x 5	\$13.56	CLDIS	\$0.00	7.5000%	\$271.20
<b>HODGENVILLE LARUE CO. HERALD NEWS</b>							
Notice to customers	06/24/2009	4 x 4.5	\$8.00	CLDIS	\$0.00	7.5000%	\$144.00
<b>LAGRANGE OLDHAM ERA</b>							
Notice to customers	06/25/2009	4 x 4.5	\$12.14	SAU	\$0.00	7.5000%	\$218.52
<b>LEBANON ENTERPRISE</b>							
Notice to customers	06/24/2009	4 x 4.5	\$9.57	CLDIS	\$0.00	7.5000%	\$172.26
<b>LOUISVILLE COURIER-JOURNAL</b>							
Notice to customers	06/24/2009	6 x 4.5	\$109.64	CLDIS	\$0.00	0.0000%	\$2,960.28

**ANY QUESTIONS CONCERNING TEARSHEETS AND ALL REQUESTS FOR ACCOUNT CREDIT MUST BE MADE WITHIN FIVE DAYS OF THE DATE OF THIS INVOICE. IF THE REQUEST IS NOT RECEIVED WITHIN FIVE DAYS, THE CLIENT IS RESPONSIBLE FOR FULL PAYMENT OF THE INVOICE AMOUNT.**

**Amount Due Subject to 1.5% Service Charge After 30 Days  
 Please Pay From This Invoice. No Statement Will Be Sent.**



# KENTUCKY PRESS SERVICE

101 CONSUMER LANE  
 FRANKFORT, KY 40601-  
 Voice (502) 223-8821 Fax (502) 875-2624

Tuesday, June 30, 2009 12:05 PM

## Invoice

**Agency** Vickie Harper  
 E.ON U.S. Services, Inc.  
 220 W. MAIN ST. 5TH FLOOR  
 P.O. BOX 32010  
 LOUISVILLE, KY 40202-

**PO Number**  
**Order** 09064ELO

**Client** Louisville Gas & Electric Co.

### Newspaper

Caption	Run Date	Ad Size	Rate	Rate Name	Color	Disc.	Total
MUNFORDVILLE HART CO. NEWS-HERALD							
Notice to customers	06/25/2009	4 x 4.5	\$14.60	CLDIS	\$0.00	7.5000%	\$262.80
NEW CASTLE HENRY CO. LOCAL							
Notice to customers	06/24/2009	4 x 4.5	\$10.77	CLDIS	\$0.00	7.5000%	\$193.86
SHELBYVILLE SENTINEL-NEWS							
Notice to customers	06/24/2009	4 x 4.5	\$12.66	CLDIS	\$0.00	7.5000%	\$227.88
SHEPHERDSVILLE PIONEER-NEWS							
Notice to customers	06/22/2009	4 x 4.5	\$16.04	CLDIS	\$0.00	7.5000%	\$288.72
SPRINGFIELD SUN							
Notice to customers	06/24/2009	4 x 4.5	\$8.76	CLDIS	\$0.00	7.5000%	\$157.68
TAYLORSVILLE SPENCER MAGNET							
Notice to customers	06/24/2009	4 x 4.5	\$7.35	CLDIS	\$0.00	7.5000%	\$132.30
<b>Total Advertising</b>							\$7,015.12
<b>Discounts</b>							\$297.57
<b>Tax: USA</b>							\$0.00
<b>Total Invoice</b>							\$6,717.55
<b>Payments</b>							\$0.00
<b>Adjustments</b>							\$0.00
<b>Balance Due</b>							\$6,717.55

**ANY QUESTIONS CONCERNING TEARSHEETS AND ALL REQUESTS FOR ACCOUNT CREDIT MUST BE MADE WITHIN FIVE DAYS OF THE DATE OF THIS INVOICE. IF THE REQUEST IS NOT RECEIVED WITHIN FIVE DAYS, THE CLIENT IS RESPONSIBLE FOR FULL PAYMENT OF THE INVOICE AMOUNT.**

**Amount Due Subject to 1.5% Service Charge After 30 Days  
 Please Pay From This Invoice. No Statement Will Be Sent.**

**NOTARIZED PROOF OF PUBLICATION**

COMMONWEALTH OF KENTUCKY

COUNTY OF Franklin

Before me, a Notary Public, in and for said county and state, this 10<sup>th</sup> day of July, 2009, came Rachel McCarty, personally known to me, who, being duly sworn, states as follows: that she is the Advertising Assistant of the Kentucky Press Service, Inc.; that she has personal knowledge of the contents of this Affidavit; that the newspapers shown on Attachment No. 1 to this Affidavit published the Notice to Customers, on the dates shown thereon at the request of Kentucky Press Service, Inc. for Louisville Gas and Electric Company; that the form and content of the Notice submitted for publication to each paper is shown in Attachment No. 2 to this Affidavit; and that the Kentucky Press Service, Inc. has presented to Louisville Gas and Electric Company proof of these publications in the form of "tear sheets" for retention in its files. Said Notice pertains to the Application for Approval of an Amended Compliance Plan to be filed June 26, 2009, in Case No. 2009-00193.

Rachel McCarty  
Signature

Bonnie F. Howard  
Notary Public  
My Commission Expires: 9-18-2012

(SEAL)

[Attachments: (1) List of publications and dates of publication; (2) sample published notice]

# **KENTUCKY PRESS SERVICE**

**101 Consumer Lane  
(502) 223-8821**

**Frankfort, KY 40601  
FAX (502) 875-2624**

***Rachel McCarty Advertising Dept.***

List of newspapers running the Notice to Louisville Gas and Electric Company. Attached tearsheets provide proof of publication:

Bardstown KY Standard: 6-28 & 7-5  
Bedford Trimble Banner: 7-1 & 7-8  
Brandenburg Meade Co. Messenger: 7-1 & 7-8  
Brandenburg News Standard: 6-26 & 7-3  
Cave City Barren Co. Progress: 7-2  
Edmonton Herald News: 7-1 & 7-8  
Elizabethtown Hardin Co. Independent.: 7-2 & 7-9  
Elizabethtown News Enterprise: 6-29 & 7-6  
Glasgow Daily Times: 6-29 & 7-6  
Greensburg Record Herald: 7-1 & 7-8  
Hodgenville Larue Co. Herald News: 7-8  
Lagrange Oldham Era: 7-2 & 7-9  
Lebanon Enterprise: 7-1 & 7-8  
Louisville Courier Journal: 7-1 & 7-8  
Munfordville Hart Co. News Herald: 7-2 & 7-9  
New Castle Henry Co. Local: 7-1 & 7-8  
Shelbyville Sentinel News: 7-1 & 7-8  
Shepherdsville Pioneer News: 6-29 & 7-6  
Springfield Sun: 7-1 & 7-8  
Taylorsville Spencer Magnet: 7-1 & 7-8

*2nd & 3rd Notice*

NOTICE TO CUSTOMERS OF  
LOUISVILLE GAS AND ELECTRIC COMPANY

RECOVERY BY ENVIRONMENTAL SURCHARGE OF LOUISVILLE GAS AND  
ELECTRIC'S 2009 ENVIRONMENTAL COMPLIANCE PLAN

**PLEASE TAKE NOTICE** that on June 26, 2009, Louisville Gas and Electric Company ("LG&E") filed with the Kentucky Public Service Commission ("Commission") in Case No. 2009-00198, an Application pursuant to Kentucky Revised Statute 278.183 for approval of an amended compliance plan ("LG&E's 2009 Environmental Compliance Plan") for the purpose of recovering the capital costs and operation and maintenance costs associated with new pollution control facilities through an environmental surcharge on customers' bills beginning February 2010, under LG&E's existing rate mechanism known as the environmental cost recovery surcharge or "Electric Rate Schedule ECR."

Federal, state and local environmental regulations require LG&E to continually build and upgrade equipment and facilities in order to operate in an environmentally sound manner. Specifically, LG&E is seeking Commission approval of a Certificate of Public Convenience and Necessity ("CPCN") to construct a new landfill facility at the Trimble County Generating Station near Wisers Landing in Trimble County, Kentucky. Additionally, LG&E is seeking recovery of costs associated with these environmental projects, which are necessary for compliance with the Federal Clean Air Act, the Federal Clean Water Act and the Federal Resource Conservation and Recovery Act. These additional projects primarily relate to expansion of the coal combustion byproduct (ash and gypsum) treatment basins at the Trimble County Generating Station, expansion of the landfill at the Cane Run Generating Station in Jefferson County, Kentucky, construction of a new landfill facility at the Trimble County Generating Station, and certain operating costs associated with the Air Quality Control System equipment necessary to operate Trimble County Unit 2 within the approved environmental limitations. The capital cost of these new pollution control facilities for which LG&E will seek cost recovery at this time is estimated to be \$73 million. Additional operation and maintenance expenses will be incurred for these facilities.

The estimated impact on a residential electric customer using 1,000 kilowatt hours per month is expected to be an initial monthly increase of \$0.71 for LG&E customers during 2010, with the maximum monthly increase expected to be \$0.87 during 2014.

The Environmental Surcharge Application described in this Notice is proposed by LG&E. However, the Public Service Commission may issue an order modifying or denying LG&E's Environmental Surcharge Application. Such action may result in an environmental surcharge for consumers other than the environmental surcharge described in this Notice.

Any corporation, association, body politic or person may, by motion within thirty (30) days after publication, request leave to intervene in Case No. 2009-00198. That motion shall be submitted to the Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky, 40602, and shall set forth the grounds for the request including the status and interest of the party. Intervenors may obtain copies of the Application and testimony by contacting Louisville Gas and Electric Company at 220 West Main Street, Louisville, Kentucky, 40202, Attention: Lonnie E. Bellar, Vice President, State Regulation and Rates. A copy of the Application and testimony will be available for public inspection at LG&E's offices where bills are paid after June 26, 2009.



# KENTUCKY PRESS SERVICE

101 CONSUMER LANE  
 FRANKFORT, KY 40601-  
 Voice (502) 223-8821 Fax (502) 875-2624

Friday, July 10, 2009 02:55 PM

## Invoice

**Agency** Vickie Harper  
 E.ON U.S. Services, Inc.  
 220 W. MAIN ST. 5TH FLOOR  
 P.O. BOX 32010  
 LOUISVILLE, KY 40202-

**PO Number**  
**Order** 09072ELO

**Client** Louisville Gas & Electric Co.

### Newspaper

Caption	Run Date	Ad Size	Rate	Rate Name	Color	Disc.	Total
<b>BARDSTOWN KENTUCKY STANDARD</b>							
Notice customers LGE filed with	06/28/2009	4 x 4.5	\$16.17	CLDIS	\$0.00	7.5000%	\$291.06
Notice customers LGE filed with	07/05/2009	4 x 4.5	\$16.17	CLDIS	\$0.00	7.5000%	\$291.06
<b>BEDFORD TRIMBLE BANNER-DEMOCRAT</b>							
Notice customers LGE filed with	07/01/2009	4 x 4.5	\$4.84	CLDIS	\$0.00	0.0000%	\$87.12
Notice customers LGE filed with	07/08/2009	4 x 4.5	\$4.84	CLDIS	\$0.00	0.0000%	\$87.12
<b>BRANDENBURG MEADE CO. MESSENGER</b>							
Notice customers LGE filed with	07/01/2009	4 x 4.5	\$9.75	CLDIS	\$0.00	7.5000%	\$175.50
Notice customers LGE filed with	07/08/2009	4 x 4.5	\$9.75	CLDIS	\$0.00	7.5000%	\$175.50
<b>Brandenburg News Standard</b>							
Notice customers LGE filed with	06/26/2009	5 x 4.5	\$7.00	CLDIS	\$0.00	7.5000%	\$157.50
Notice customers LGE filed with	07/03/2009	5 x 4.5	\$7.00	CLDIS	\$0.00	7.5000%	\$157.50
<b>CAVE CITY BARREN CO. PROGRESS</b>							
Notice customers LGE filed with	07/02/2009	4 x 4.5	\$14.60	CLDIS	\$0.00	7.5000%	\$262.80
Notice customers LGE filed with	07/09/2009	4 x 4.5	\$14.60	CLDIS	\$0.00	7.5000%	DNR
<b>EDMONTON HERALD-NEWS</b>							
Notice customers LGE filed with	07/01/2009	4 x 4.5	\$14.60	CLDIS	\$0.00	7.5000%	\$262.80
Notice customers LGE filed with	07/08/2009	4 x 4.5	\$14.60	CLDIS	\$0.00	7.5000%	\$262.80

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**Amount Due Subject to 1.5% Service Charge After 30 Days  
 Please Pay From This Invoice. No Statement Will Be Sent.**





# KENTUCKY PRESS SERVICE

101 CONSUMER LANE  
 FRANKFORT, KY 40601-  
 Voice (502) 223-8821 Fax (502) 875-2624

Friday, July 10, 2009 02:55 PM

## Invoice

**Agency** Vickie Harper  
 E.ON U.S. Services, Inc.  
 220 W. MAIN ST. 5TH FLOOR  
 P.O. BOX 32010  
 LOUISVILLE, KY 40202-

**PO Number**  
**Order** 09072EL0

**Client** Louisville Gas & Electric Co.

### Newspaper

Caption	Run Date	Ad Size	Rate	Rate Name	Color	Disc.	Total
<b>ELIZABETHTOWN HARDIN CO. INDEPENDENT</b>							
Notice customers LGE filed with	07/02/2009	4 x 4.5	\$7.25	CLDIS	\$0.00	7.5000%	\$130.50
Notice customers LGE filed with	07/09/2009	4 x 4.5	\$7.25	CLDIS	\$0.00	7.5000%	\$130.50
<b>ELIZABETHTOWN NEWS-ENTERPRISE</b>							
Notice customers LGE filed with	06/29/2009	4 x 4.5	\$22.63	CLDIS	\$0.00	7.5000%	\$407.34
Notice customers LGE filed with	07/06/2009	4 x 4.5	\$22.63	CLDIS	\$0.00	7.5000%	\$407.34
<b>GLASGOW DAILY TIMES</b>							
Notice customers LGE filed with	06/29/2009	4 x 5	\$10.55	CLDIS	\$0.00	7.5000%	\$211.00
Notice customers LGE filed with	07/06/2009	4 x 5	\$10.55	CLDIS	\$0.00	7.5000%	\$211.00
<b>GREENSBURG RECORD-HERALD</b>							
Notice customers LGE filed with	07/01/2009	4 x 5	\$13.56	CLDIS	\$0.00	7.5000%	\$271.20
Notice customers LGE filed with	07/08/2009	4 x 5	\$13.56	CLDIS	\$0.00	7.5000%	\$271.20
<b>HODGENVILLE LARUE CO. HERALD NEWS</b>							
Notice customers LGE filed with	07/01/2009	4 x 4.5	\$8.00	CLDIS	\$0.00	7.5000%	<b>DNR</b>
Notice customers LGE filed with	07/08/2009	4 x 4.5	\$8.00	CLDIS	\$0.00	7.5000%	\$144.00
<b>LAGRANGE OLDHAM ERA</b>							
Notice customers LGE filed with	07/02/2009	4 x 4.5	\$12.14	SAU	\$0.00	7.5000%	\$218.52
Notice customers LGE filed with	07/09/2009	4 x 4.5	\$12.14	SAU	\$0.00	7.5000%	\$218.52

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# KENTUCKY PRESS SERVICE

101 CONSUMER LANE  
 FRANKFORT, KY 40601-  
 Voice (502) 223-8821 Fax (502) 875-2624

Friday, July 10, 2009 02:55 PM

## Invoice

**Agency** Vickie Harper  
 E.ON U.S. Services, Inc.  
 220 W. MAIN ST. 5TH FLOOR  
 P.O. BOX 32010  
 LOUISVILLE, KY 40202-

**PO Number**  
**Order** 09072EL0

**Client** Louisville Gas & Electric Co.

### Newspaper

Caption	Run Date	Ad Size	Rate	Rate Name	Color	Disc.	Total
<b>LEBANON ENTERPRISE</b>							
Notice customers LGE filed with	07/01/2009	4 x 4.5	\$9.57	CLDIS	\$0.00	7.5000%	\$172.26
Notice customers LGE filed with	07/08/2009	4 x 4.5	\$9.57	CLDIS	\$0.00	7.5000%	\$172.26
<b>LOUISVILLE COURIER-JOURNAL</b>							
Notice customers LGE filed with	07/01/2009	6 x 4.5	\$109.64	CLDIS	\$0.00	0.0000%	\$2,960.28
Notice customers LGE filed with	07/08/2009	6 x 4.5	\$109.64	CLDIS	\$0.00	0.0000%	\$2,960.28
<b>MUNFORDVILLE HART CO. NEWS-HERALD</b>							
Notice customers LGE filed with	07/02/2009	4 x 4.5	\$14.60	CLDIS	\$0.00	7.5000%	\$262.80
Notice customers LGE filed with	07/09/2009	4 x 4.5	\$14.60	CLDIS	\$0.00	7.5000%	\$262.80
<b>NEW CASTLE HENRY CO. LOCAL</b>							
Notice customers LGE filed with	07/01/2009	4 x 4.5	\$10.77	CLDIS	\$0.00	7.5000%	\$193.86
Notice customers LGE filed with	07/08/2009	4 x 4.5	\$10.77	CLDIS	\$0.00	7.5000%	\$193.86
<b>SHELBYVILLE SENTINEL-NEWS</b>							
Notice customers LGE filed with	07/01/2009	4 x 4.5	\$12.66	CLDIS	\$0.00	7.5000%	\$227.88
Notice customers LGE filed with	07/08/2009	4 x 4.5	\$12.66	CLDIS	\$0.00	7.5000%	\$227.88
<b>SHEPHERDSVILLE PIONEER-NEWS</b>							
Notice customers LGE filed with	06/29/2009	4 x 4.5	\$16.04	CLDIS	\$0.00	7.5000%	\$288.72
Notice customers LGE filed with	07/06/2009	4 x 4.5	\$16.04	CLDIS	\$0.00	7.5000%	\$288.72

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# KENTUCKY PRESS SERVICE

101 CONSUMER LANE  
 FRANKFORT, KY 40601-  
 Voice (502) 223-8821 Fax (502) 875-2624

Friday, July 10, 2009 02:55 PM

## Invoice

**Agency** Vickie Harper  
 E.ON U.S. Services, Inc.  
 220 W. MAIN ST. 5TH FLOOR  
 P.O. BOX 32010  
 LOUISVILLE, KY 40202-

**PO Number**  
**Order** 09072EL0

**Client** Louisville Gas & Electric Co.

**Newspaper**

Caption	Run Date	Ad Size	Rate	Rate Name	Color	Disc.	Total
<b>SPRINGFIELD SUN</b>							
Notice customers LGE filed with	07/01/2009	4 x 4.5	\$8.76	CLDIS	\$0.00	7.5000%	\$157.68
Notice customers LGE filed with	07/08/2009	4 x 4.5	\$8.76	CLDIS	\$0.00	7.5000%	\$157.68
<b>TAYLORSVILLE SPENCER MAGNET</b>							
Notice customers LGE filed with	07/01/2009	4 x 4.5	\$7.35	CLDIS	\$0.00	7.5000%	\$132.30
Notice customers LGE filed with	07/08/2009	4 x 4.5	\$7.35	CLDIS	\$0.00	7.5000%	\$132.30

<b>Total Advertising</b>	\$13,623.44
<b>Discounts</b>	\$564.63
<b>Tax: USA</b>	\$0.00
<b>Total Invoice</b>	\$13,058.81
<b>Payments</b>	\$0.00
<b>Adjustments</b>	\$0.00
<b>Balance Due</b>	\$13,058.81

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**NOTARIZED PROOF OF PUBLICATION**

COMMONWEALTH OF KENTUCKY

COUNTY OF Franklin

Before me, a Notary Public, in and for said county and state, this 26<sup>th</sup> day of August, 2009, came RACHEL MCCARTY, personally known to me, who, being duly sworn, states as follows: that she is the Advertising Assistant of the Kentucky Press Service, Inc.; that she has personal knowledge of the contents of this affidavit; and that the publications included on the attached list published the Legal Notice for Louisville Gas & Electric.

Rachel McCarty  
Signature

Bonnie J. Howard  
Notary Public  
My Commission Expires: 9-18-2012

(SEAL)

# **KENTUCKY PRESS SERVICE**

**101 Consumer Lane  
(502) 223-8821**

**Frankfort, KY 40601  
FAX (502) 875-2624**

***Rachel McCarty Advertising Dept.***

List of newspapers running the Notice to Louisville Gas and Electric Company. Attached tearsheets provide proof of publication:

Hodgenville Larue Co. Herald News: 8-19

NOTICE TO CUSTOMERS OF  
LOUISVILLE GAS AND ELECTRIC COMPANY

RECOVERY BY ENVIRONMENTAL SURCHARGE OF LOUISVILLE GAS AND  
ELECTRIC'S 2009 ENVIRONMENTAL COMPLIANCE PLAN

**PLEASE TAKE NOTICE** that on June 26, 2009, Louisville Gas and Electric Company ("LG&E") filed with the Kentucky Public Service Commission ("Commission") in Case No. 2009-00198, an Application pursuant to Kentucky Revised Statute 278.183 for approval of an amended compliance plan ("LG&E's 2009 Environmental Compliance Plan") for the purpose of recovering the capital costs and operation and maintenance costs associated with new pollution control facilities through an environmental surcharge on customers' bills beginning February 2010, under LG&E's existing rate mechanism known as the environmental cost recovery surcharge or "Electric Rate Schedule ECR."

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# KENTUCKY PRESS SERVICE

101 CONSUMER LANE  
FRANKFORT, KY 40601-  
Voice (502) 223-8821 Fax (502) 875-2624

Tuesday, August 25, 2009 04:45 PM

## Invoice

**Agency** Vickie Harper  
E.ON U.S. Services, Inc.  
220 W. MAIN ST. 5TH FLOOR  
P.O. BOX 32010  
LOUISVILLE, KY 40202-

**PO Number**  
**Order** 09083ELO

**Client** Louisville Gas & Electric Co.

### Newspaper

Caption	Run Date	Ad Size	Rate	Rate Name	Color	Disc.	Total
HODGENVILLE LARUE CO	HERALD NEWS						
Notice to customers	08/19/2009	4 x 4.5	\$8.00	CLDIS	\$0.00	7.5000%	\$144.00
<b>Total Advertising</b>							\$144.00
<b>Discounts</b>							\$10.80
<b>Tax: USA</b>							\$0.00
<b>Total Invoice</b>							\$133.20
<b>Payments</b>							\$0.00
<b>Adjustments</b>							\$0.00
<b>Balance Due</b>							\$133.20

**URGENT!**  
**TEARSHEETS**  
**CANNOT BE REPLACED**

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# Exhibit B

Copy of the General Statement Included  
In Customers' Bills During the Course  
Of their Regular Monthly Billing Cycle  
Beginning On or About June 29, 2009

**Dear LG&E Customer:**

Louisville Gas and Electric Company (“LG&E”) has a dual commitment of environmental stewardship while simultaneously continuing to offer our customers some of the lowest energy rates in the country. Protecting and improving our environment are core values held and advanced by LG&E in all of its service territories within the state of Kentucky. To continue to comply with federal laws and regulations, LG&E must continue to invest in additional pollution control facilities. Currently, LG&E is seeking Kentucky Public Service Commission (“KPSC”) approval to construct a new landfill at the Trimble County Generating Station and to expand existing ash pond and landfill facilities at the Trimble County and Cane Run Generating Stations. Following KPSC approval, the costs associated with the facilities would be passed on to retail customers through the existing Environmental Surcharge billing factor. LG&E estimates that the initial impact would be an increase in the environmental surcharge of \$0.71 per month for a typical residential customer using 1,000 kilowatt hours (kWh) per month. The announcement below is included to comply with KPSC regulations regarding notice of tariff changes to customers. If approved as filed, this change in rates will be included on customer bills no sooner than February 2010.

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LOUISVILLE GAS AND ELECTRIC COMPANY**

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