

BOEHM, KURTZ & LOWRY

ATTORNEYS AT LAW
36 EAST SEVENTH STREET
SUITE 1510
CINCINNATI, OHIO 45202
TELEPHONE (513) 421-2255
TELECOPIER (513) 421-2764

RECEIVED

SEP 14 2009

**PUBLIC SERVICE
COMMISSION**

Via Overnight Mail

September 11, 2009

Mr. Jeff Derouen, Executive Director
Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40602

Re: Case No. 2009-00198

Dear Mr. Derouen:

Please find enclosed the original and twelve (12) copies of the SECOND SET OF DATA REQUESTS OF THE KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC. TO LOUISVILLE GAS & ELECTRIC COMPANY filed 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

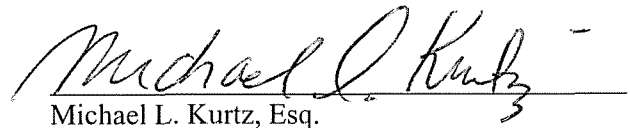
CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by mailing a true and correct copy by electronic mail (when available) and by first-class postage prepaid mail, (unless otherwise noted) to all parties on the 11th day of September, 2009.

Lonnie E Bellar
E.ON U.S. Services, Inc.
220 West Main Street
Louisville, KY 40202

Robert M Conroy
Director, Rates
Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40202

Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KY 40202-2828


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

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

**In The Matter Of: Application Of Louisville Gas And Electric : Case No. 2009-00198
Company For Certificate Of Public Convenience And :
Necessity And Approval Of Its 2009 Compliance Plan For :
Recovery By Environmental Surcharge :
:**

**SECOND SET OF DATA REQUESTS OF
KENTUCKY INDUSTRIAL UTILITY CUSTOMERS, INC.
TO LOUISVILLE GAS & ELECTRIC COMPANY**

Dated: September 11, 2009

DEFINITIONS

1. "Document" means the original and all copies (regardless of origin and whether or not including additional writing thereon or attached thereto) of memoranda, reports, books, manuals, instructions, directives, records, forms, notes, letters, notices, confirmations, telegrams, pamphlets, notations of any sort concerning conversations, telephone calls, meetings or other communications, bulletins, transcripts, diaries, analyses, summaries, correspondence investigations, questionnaires, surveys, worksheets, and all drafts, preliminary versions, alterations, modifications, revisions, changes, amendments and written comments concerning the foregoing, in whatever form, stored or contained in or on whatever medium, including computerized memory or magnetic media.
2. "Study" means any written, recorded, transcribed, taped, filmed, or graphic matter, however produced or reproduced, either formally or informally, a particular issue or situation, in whatever detail, whether or not the consideration of the issue or situation is in a preliminary stage, and 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 address, 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, subject matter, all addressees and recipients, type of document (e.g., letter, memorandum, telegram, chart, etc.), number of code number thereof or other means of identifying it, and its present 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 address 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 any request, "you" or "your" may be deemed to include any person with information relevant to any interrogatory who is or was employed by or otherwise associated with the witness or who assisted, in any way, in the preparation of the witness' testimony.
11. Company means Louisville Gas & Electric Company (LG&E) and/or any of their officers, directors, employees, or agents who may have knowledge of the particular matter addressed.

INSTRUCTIONS

1. If any matter is evidenced by, referenced to, reflected by, represented by, or recorded in any 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 later becomes aware of, or has access to, and which is responsive to any request is to be made available to Kentucky Industrial Utility Customers. Any studies, documents, or other subject matter not yet completed that will be relied upon during the course of this case should be so identified and provided as soon as they are completed. The Respondent is obliged to change, 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 answers 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 person(s) 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 request.
7. The interrogatories are to be answered under oath by the witness(es) responsible for the answer.
8. Responses to requests for revenue, expense and rate base data should provide data on the basis of Total Company as well as Intrastate data, unless otherwise requested.

**KIUC's SECOND SET OF DATA REQUESTS TO
LOUISVILLE GAS & ELECTRIC COMPANY
PSC CASE NO. 2009-00198**

- 2.1. Refer to the Company's response to KIUC 1-5(a).
- a. The spreadsheet provided indicates that amounts already have been spent on Project 22. Please provide the amount included in rate base in the Company's last base rate case. Provide this information by FERC account and/or FERC plant account.
 - b. If there were amounts for this project already included in base rates, does the Company agree that the capital costs for the project should be reduced by the amount included in base rates to avoid double recovery?
- 2.2. Refer to the Company's response to KIUC 1-5(c).
- a. Please describe the basis for the Company's quantification of the actual O&M expense for the existing landfill at Cane Run. If the Company tracks these costs in separate accounts/subaccounts, please provide a description of and the amounts included in each account/subaccount that sum to the Company's quantification.
 - b. Please provide a quantification of the amount of "landfill O&M included in LG&E's base rates," including all assumptions, data and computations and a copy of all source documents relied upon for this quantification. Please provide this information by account/subaccount if it is available at that level of detail.
 - c. Please describe the Company's proposed methodology for tracking and quantifying the reduction to the incremental O&M for the amount already included in base rates to ensure that the Commission can verify the Company's quantifications.
- 2.3. Refer to the Company's response to KIUC 1-6(a).
- a. The spreadsheet provided indicates that amounts already have been spent on Project 24. Please provide the amount included in rate base in the Company's last base rate case. Provide this information by FERC account and/or FERC plant account.
 - b. If there were amounts for this project already included in base rates, does the Company agree that the capital costs for the project should be reduced by the amount included in base rates to avoid double recovery?
- 2.4. Refer to the Company's response to KIUC 1-6(c).
- a. Please describe the basis for the Company's quantification of the actual O&M expense for the sluicing and impoundment at Trimble County. If the Company tracks these costs in separate accounts/subaccounts, please provide a description of and the amounts included in each account/subaccount that sum to the Company's quantification.
 - b. Please provide a quantification of the amount of O&M expense for the sluicing and impoundment included in LG&E's base rates, including all assumptions, data and computations and a copy of all source documents relied upon for this quantification. Please provide this information by account/subaccount if it is available at that level of detail.

- c. Please describe the Company's proposed methodology for tracking and quantifying the reduction to the incremental O&M for the amount already included in base rates to ensure that the Commission can verify the Company's quantifications.
- 2.5. Refer to the Company's response to Staff 1-14 wherein the Company states that it will make ongoing comparisons to "ensure that there is no double recovery of O&M costs through the ECR mechanism and base rates." Please explain with specificity how the Company plans to make these ongoing comparisons and how it plans to demonstrate to the Commission that there is no double recovery.
- 2.6. Does the Company generate any sulfur combustion byproducts that can be used for soil fertilization in farming operations? If so, please describe these byproducts, the Company's disposal requirements and the Company's beneficial reuse opportunities and efforts. Provide a history of the Company's efforts and a schedule showing by account/subaccount the revenues and expenses/costs incurred to treat and/or dispose of and/or market such byproducts.

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

kboehm@BKLawfirm.com

**COUNSEL FOR KENTUCKY INDUSTRIAL
UTILITY CUSTOMERS, INC.**