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MAY 20 2010  
PUBLIC SERVICE  
COMMISSION

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

**In the Matter of:**

**APPLICATION OF KENTUCKY UTILITIES  
COMPANY FOR AN ADJUSTMENT  
OF ELECTRIC BASE RATES**

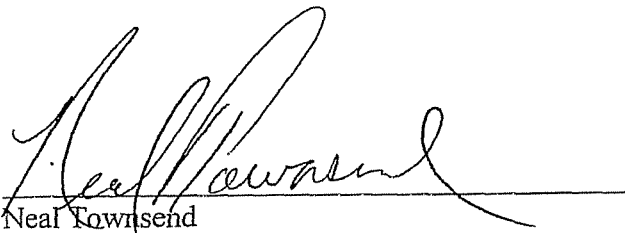
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) **CASE NO. 2009-00548**  
)  
)

**RESPONSE OF THE KROGER COMPANY TO  
FIRST DATA REQUEST OF COMMISSION STAFF**

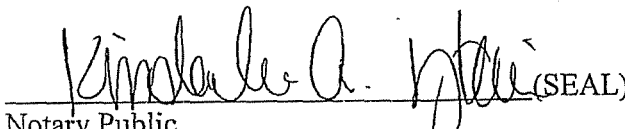
VERIFICATION

STATE OF UTAH            )  
                                  )  
COUNTY OF SALT LAKE )    SS:

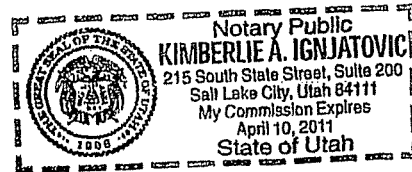
The undersigned, being duly sworn, deposes and says that he is Senior Consultant, Energy Strategies, LLC, that he has personal knowledge of the matters set forth in the foregoing testimony and exhibits, and the answers contained therein are true and correct to the best of his information, knowledge and belief.

  
\_\_\_\_\_  
Neal Townsend

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 19<sup>th</sup> day of May, 2010.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:  
April 10, 2011



**KENTUCKY UTILITIES COMPANY**

**CASE NO. 2009-00548**

**Response of The Kroger Company to  
First Data Request Of Commission Staff**

**Responding Witness: Neal Townsend**

Item 1. Refer to page 13 of the Pre-filed direct Testimony of Neal Townsend.

- a. Provide the date and case numbers of the Michigan Public Service Commission's orders approving the generation aggregation pilot programs of Consumers Energy and Detroit Edison.
- b. Provide any results or summary information available relating to the Michigan pilot programs since their inception.

Response:

- 1.a. Please refer to Kroger's response to Question 3 of LG&E's first set of data requests to Kroger. This response includes the orders approving the aggregation pilot programs.
- 1.b. Kroger is not aware of any published analyses related to the Michigan pilot programs. However, the attached electronic folder labeled "Kroger Attachments to Staff Set 1" includes relevant documents indicating the Michigan utilities' support for the load aggregation programs. For information pertaining to Consumers Energy's generation aggregation program please see the attached July 3, 2007 Updated Direct Testimony of Hubert W. Miller III on behalf of Consumers' Energy in Docket U-15245. Please refer to pages 27, 28R, and 29 for discussion on the initiation of the General Aggregate On-Peak Demand (GAP) provision. The Commission approved GAP in its Jun 10, 2008 Order in U-15245 which is provided in Kroger's response to LG&E's First Set of Data Requests to Kroger, Question 3.

For information regarding initial implementation of Detroit Edison's load aggregation program please refer to pages 8 and 9 of the attached August 30, 2006 Settlement Agreement in Docket U-14838 which outlines the terms of the Experimental Load Aggregation Provision (ELAP). ELAP's extension was further recommended by the Company in Docket U-15768 – please see pages 5 and 13 of Direct Testimony of Timothy A. Bloch on behalf of Detroit Edison filed on Jan 26, 2009 in Docket U-15768. The extension was approved by the Commission in its January 11, 2010 Order in U-15768 which is provided in Kroger's response to LG&E's First Set of Data Requests to Kroger, Question 3.