

400 West Market Street
Suite 1800
Louisville, KY 40202-3352
[502] 587-3400
[502] 587-6391 Fax
www.stites.com

June 1, 2011

Mr. Jeff DeRouen, Executive Director
Public Service Commission
211 Sower Boulevard
P.O. Box 615
Frankfort, KY 40602-0615

David C. Brown
(502) 681-0421
(502) 779-8251 FAX
dbrown@stites.com

RECEIVED

JUN 3 2011

RE: Case No. 2011-00134
LG&E/KU DSM Application

PUBLIC SERVICE
COMMISSION

Dear Mr. DeRouen:

Enclosed for filing, please find the original and twelve (12) copies of the FIRST SET OF DATA REQUESTS OF THE KROGER COMPANY in the above-referenced docket.

Very truly yours,



David C. Brown

DCB/dab

Enclosure

KR091:00KR3:836086:1:LOUISVILLE

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

JUN 3 2011

PUBLIC SERVICE
COMMISSION

In the Matter of:)
)
JOINT APPLICATION OF LOUISVILLE)
GAS AND ELECTRIC COMPANY AND)
KENTUCKY UTILITIES COMPANY FOR)
REVIEW, MODIFICATION, AND)
CONTINUATION OF EXISTING, AND)
ADDITION OF NEW, DEMAND SIDE)
MANAGEMENT AND ENERGY-)
EFFICIENCY PROGRAMS)

Case No. 2011-00134

**FIRST SET OF
DATA REQUESTS OF
THE KROGER COMPANY**

The Kroger Company requests the applicants, Louisville Gas and Electric Company and Kentucky Utilities Company, to respond to the First Set of Data Requests in accordance with the Order of Procedure entered herein.

DEFINITIONS

1. "Document(s)" is used in its customary broad sense and includes all written, typed, printed, electronic, computerized, recorded or graphic statements, communications or other matter, however produced or reproduced, and whether or not now in existence, or in your possession.

2. "Study" means any written, recorded, transcribed, taped, filmed, or graphic matter, however produced or reproduced, either formally or informally, on 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. If any document requested herein was at one time in existence, but has been lost, discarded or destroyed, identify such document as completely as possible, including the type

of document, its date, the date or approximate date it was lost, discarded or destroyed, the identity of the person (s) who last had possession of the document and the identity of all persons having knowledge of the contents thereof.

4. "You" or "your" means the person whose filed testimony is the subject of these requests 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 request 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.

5. "LG&E"- means Louisville Gas & Electric Company, and/or any of their officers, directors, employees or agents who may have knowledge of the particular matter addressed.

6. "KU" – means Kentucky Utilities Company, and/or any of their officers, directors, employees or agents who may have knowledge of the particular matter addressed.

7. "Companies" – means LG&E and KU.

8. "Stipulation and Recommendation" – means the Stipulation and Recommendation dated June 7, 2010 and approved by the Public Service Commission by Order dated July 30, 2010 in Case No. 2009-00548 and Case No. 2009-00549.

INSTRUCTIONS

1. The Requests shall be deemed continuing so as to require prompt further and supplemental production if at any time during this proceeding in the event you locate or obtain possession, custody or control of additional responsive documents.

2. Any studies, documents, or other subject matter not yet completed that will be relied upon during the course of this proceeding should be provided as soon as they are

completed. You are obliged to change, supplement and correct all answers to these Requests to conform to available information, including such information as it first becomes available to you 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 should 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.

First Set of Data Requests of the Kroger Co.

1. Section 5.11 of the Stipulation and Recommendation provides that the Companies in this Application will propose to modify their existing Commercial Conservation and Rebates Program to broaden the financial incentives for qualifying commercial customers to replace relatively inefficient equipment. Part (1) of the modifications, as described in the Stipulation and Recommendation, will be to add refrigeration to the kinds of equipment for which incentives are available. Please identify by section or page number and describe the modifications that reflect the foregoing commitment contained in each of the following programs:

- a) Smart Energy Profile (new).
- b) Demand Conservation (enhanced).
- c) Commercial Incentive (enhanced).
- d) Program and Development (enhanced).

In your response, please explain how each proposed modification applies to large multi-site commercial customers with load characteristics similar to Kroger.

2. Part (2) of the modifications, as described in Section 5.11 of the Stipulation and Recommendation, will be to introduce a Commercial Customized Rebates program to provide incentives to commercial customers to increase their energy efficiency by replacing or retrofitting equipment not covered by the existing Commercial/Rebate program. Please identify by section or page number and describe the modifications that reflect the foregoing commitment contained in each of the following programs:

- a) Smart Energy Profile (new).
- b) Demand Conservation (enhanced).
- c) Commercial Incentive (enhanced).

d) Program and Development (enhanced).

In your response, please explain how each proposed modification applies to large multi-site commercial customers with load characteristics similar to Kroger.

3. Part (3) of the modifications, as described in Section 5.11 of the Stipulation and Recommendation, will be to increase the rebate cap per meter. Please identify by section or page number and describe the modifications that reflect the foregoing commitment contained in each of the following programs:

a) Smart Energy Profile (new).

b) Demand Conservation (enhanced).

c) Commercial Incentive (enhanced).

d) Program and Development (enhanced).

In your response, please explain how each proposed modification applies to large multi-site commercial customers with load characteristics similar to Kroger.

4. If the Companies have proposed modifications not specifically described in Parts (1), (2) or (3), as set forth above, please identify such proposed modifications by section or page number and explain how such proposed modifications apply to large multi-site commercial customers with load characteristics similar to Kroger.

5. Section 5.11 of the Stipulation and Recommendation provides that the Companies will seek input from potentially affected customers on possible modifications through a collaborative process. Please provide all documents reflecting or relating to communications with Kroger for this purpose.

6. Please provide all documents relating to deliberations or decisions by the Companies as to whether they would propose or would not propose a specific program that

would be applicable to large multi-site commercial customers with load characteristics similar to Kroger.

7. With respect to large multi-site commercial customers with load characteristics similar to Kroger and to the extent not included in your responses to Items 1 through 6 above, please identify and describe each proposed new or enhanced program that that will broaden the financial incentives for qualifying commercial customers to replace relatively inefficient equipment.

8. Please identify and describe any other new or enhanced program considered by the Companies, but not proposed in this Application, that would have been applicable to large multi-use customers with load characteristics similar to Kroger. Please state the reasons why such programs were not proposed.



David C. Brown
STITES & HARBISON, PLLC
400 West Market Street, Suite 1800
Louisville, KY 40202-3352
Telephone: (502) 587-3400
Counsel for The Kroger Co.

CERTIFICATE

I hereby certify that a copy of the foregoing was served by email on counsel for the Joint Applicants and by mailing a true and correct copy, by regular U.S. mail to counsel for the Applicant and all intervening parties on this the 1st day of June, 2011:

Lonnie E. Bellar
Vice President – State Regulation
Kentucky Utilities Company
220 West Main Street
P.O. Box 32010
Louisville, Kentucky 40202

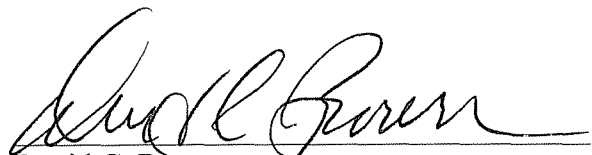
Kendrick R. Riggs, Esq.
W. Duncan Crosby III, Esq.
Stoll Keenon Ogden PLLC
2000 PNC Plaza
500 West Jefferson Street
Louisville, Kentucky 40202-2828

Allyson K. Sturgeon, Esq.
Senior Corporate Attorney
LG&E and KU Services Company
220 West Main Street
Louisville, Kentucky 40202

David J. Barberie
Department of Law
200 East Main Street
Lexington, Kentucky 40507
Counsel for Lexington-Fayette County
Urban Government

Dennis G. Howard II, Esq.
Assistant Attorney General
1024 Capital Center Drive, Suite 200
Frankfort, Kentucky 40601-8204

Iris G. Skidmore
415 West Main Street, Suite 2
Frankfort, Kentucky 40601
Counsel for Community Action Council
for Lexington-Fayette, Bourbon,
Harrison & Nicholas Counties


David C. Brown