

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

RECEIVED

APR 03 2012

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Joint Application Of Louisville Gas And Electric Company )  
and Kentucky Utilities Company for Certificates of Public )  
Convenience and Necessity for the Construction of a Combined )  
Cycle Combustion Turbine at the Cane Run Generating ) CASE NO. 2011-00375  
Station and the Purchase of Existing Simple Cycle Combustion )  
Turbine Facilities from Bluegrass Generation Company, LLC )  
in LaGrange, Kentucky )

---

**SIERRA CLUB AND NATURAL RESOURCES DEFENSE COUNCIL'S MOTION TO  
DEVIATE FROM FILING REQUIREMENTS WITH RESPECT TO THE  
CONFIDENTIAL VERSION OF THEIR POST-HEARING BRIEF**

---

Intervenors Sierra Club and Natural Resources Defense Council (collectively "Environmental Intervenors") move the Kentucky Public Service Commission ("Commission"), pursuant to 807 KAR 5:001 Section 14, for leave to deviate from the filing requirements in this proceeding. Environmental Intervenors request that the Commission excuse them from filing paper copies of the confidential version of their post hearing brief until Wednesday, April 4, 2012. In support of its motion, Environmental Intervenors state:

1. Environmental Intervenors are required to file an original and 1 copy of all confidential pleadings.
2. Environmental Intervenors' post-hearing brief is due on April 3, 2012, along with a service copy to all parties of record.

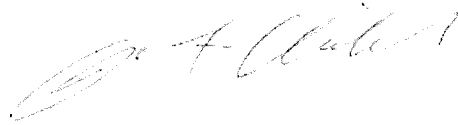
3. Certain portions of the post-hearing brief reference information that Louisville Gas & Electric and Kentucky Utilities (collectively the “Companies) moved to be treated as confidential information, which the Commission granted.
4. Environmental Intervenors’ local counsel is out of town until Wednesday, April 4, 2012 and Environmental Intervenors do not want to add another person, who does not need to be involved in this case, to the confidentiality agreement between Environmental Intervenors and the Companies.

Environmental Intervenors request permission to deviate from filing requirements as follows:

- (1) Environmental Intervenors will file a public version of the post-hearing brief, including all requisite copies, on April 3, 2012.
- (2) Environmental Intervenors will send a hard copy original and one copy on April 3, 2012 via Federal Express for overnight delivery so that the Commission will receive these documents on April 4, 2012.
- (3) Environmental Intervenors will send to the Commission via facsimile a copy of the confidential version of the post-hearing brief that contains information that the Commission ruled is granted confidential protection.
- (4) Environmental Intervenors will send on April 3, 2012 all service copies of the confidential version of the post-hearing brief to all parties who have signed a confidentiality agreement.

WHEREFORE, Environmental Intervenors request leave to file the confidential version of the post-hearing brief in the manner set forth above.

Respectfully submitted,



---

Joe Childers, Esq.  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, Kentucky 40507  
859-253-9824  
859-258-9288 (facsimile)

Of counsel:

Kristin Henry, Staff Attorney  
Sierra Club  
85 Second Street  
San Francisco, CA 94105  
Phone: (415) 977-5716  
Fax: (415) 977-5793  
[kristin.henry@sierraclub.org](mailto:kristin.henry@sierraclub.org)

Shannon Fisk, Senior Attorney  
Earthjustice  
156 William Street  
Suite 800  
New York, New York 10038  
212-791-1881 ext. 8239  
[sfisk@earthjustice.org](mailto:sfisk@earthjustice.org)

Dated: April 3, 2012

## CERTIFICATE OF SERVICE

I certify that I mailed a copy of this Motion to Deviate by first class mail on April 3, 2012 to the following:

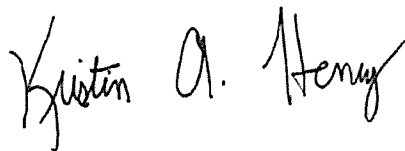
Lonnie Bellar  
Vice President, State Regulation & Rates  
LG&E and KU Services Company  
220 West Main Street  
Louisville, KY 40202

Allyson K. Sturgeon  
Senior Corporate Attorney  
LG&E  
220 West Main Street  
Louisville, KY 40202

Kendrick R. Riggs, Esq.  
Stoll, Keenon & Odgen, PLLC  
2000 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

Dennis G. Howard II  
Lawrence W. Cook  
Attorney General's Office of Rate Intervention  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204

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



---

Kristin Henry