

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

Air Liquide Large Industries U.S. LP)	
)	
COMPLAINANT)	
v.)	Case No. 2012-00351
)	
Kentucky Power Company)	
)	
DEFENDANT)	

Answer

For its answer to the Complaint filed by Air Liquide Large Industries US LP (“Air Liquide”), Kentucky Power Company (“Kentucky Power” or the “Company”) states:

First Defense

1. Air Liquide’s Complaint fails to state a claim for which relief may be granted.

Second Defense

2. Kentucky Power admits so much of paragraph 1 of the Complaint that alleges KRS 278.040(2) provides the Commission with “exclusive jurisdiction over the regulation of rates and services of utilities,” refers to the statute for its terms, and denies any allegations inconsistent therewith. Kentucky Power denies that KRS 278.060 or 807 KAR 5:001, Section 12 provide the Commission with jurisdiction or venue over Air Liquide’s Complaint.
3. Kentucky Power lacks information sufficient to admit or deny the allegations contained in paragraph 2 of the Complaint and therefore denies the same.

4. Kentucky Power admits the allegations contained in paragraphs 3-5 of the Complaint.
5. Kentucky Power admits the allegations contained in paragraph 6 of the Complaint. Kentucky Power further states that the approximately 173,000 customers it serves is calculated in the same fashion as the term customer is used in Tariff R.T.P; that is, the term customer is equivalent to customer account.
6. Kentucky Power lacks information sufficient to admit or deny the allegations contained in paragraph 7 of the Complaint and therefore denies the same.
7. Kentucky Power admits so much of paragraph 8 of the Complaint as alleges that on June 1, 2012 Kentucky Power filed an application with the Commission to withdraw its experimental Tariff R.T.P., among other relief, and that the application subsequently was assigned Case No. 2012-00226 by the Commission. Kentucky Power denies all remaining allegations in paragraph 8 of the Complaint.
8. Kentucky Power admits so much of paragraph 9 of the Complaint that alleges that Kentucky Industrial Utility Customers, Inc. filed a document with the Commission on June 7, 2012 styled "Response and Motion to Dismiss of Kentucky Industrial Utility Customers, Inc. In Opposition to Application to Withdraw Tariff RTP," in Case No. 2012-00226, refers to the document for its terms, and denies all allegations inconsistent therewith.
9. Kentucky Power admits so much of paragraph 10 of the Complaint as alleges that on June 11, 2012 Kentucky Power filed a separate application, contingent upon

the Commission granting the Company's June 1, 2012 application to withdraw Tariff R.T.P., seeking approval of Rider R.T.P., and denies the remaining allegations.

10. Kentucky Power admits so much of paragraph 11 of the Complaint that alleges James Clark received on behalf of Kentucky Power the e-mail message attached as Exhibit A to the Complaint, refers to the e-mail message for its terms, and denies any allegations inconsistent therewith.
11. Kentucky Power admits so much of paragraph 12 of the Complaint that alleges James Clark sent on behalf of Kentucky Power to Ron Johnson and Bill Smith of Air Liquide the e-mail message and attachment attached as Exhibit B to the Complaint, refers to the e-mail message and attachment for their terms, and denies any allegations inconsistent therewith.
12. Kentucky Power admits so much of paragraph 13 of the Complaint that alleges the Commission issued an Order in Case No. 2012-00226 on June 21, 2012, refers to the Order for its terms, and denies any allegations inconsistent therewith.
13. Kentucky Power admits so much of paragraph 14 of the Complaint that alleges that on June 22, 2012 KIUC filed a document styled "Motion for Clarification of Kentucky Industrial Utility Customers, Inc.," refers to the document for its terms, and denies any allegations inconsistent therewith.
14. Kentucky Power admits so much of paragraph 15 of the Complaint that alleges Kentucky Power on June 22, 2012 filed a document styled "Response of

Kentucky Power Company to Kentucky Industrial Utility Customers, Inc.’s Motion for Clarification,” refers to the document for its terms, and denies any allegations inconsistent therewith.

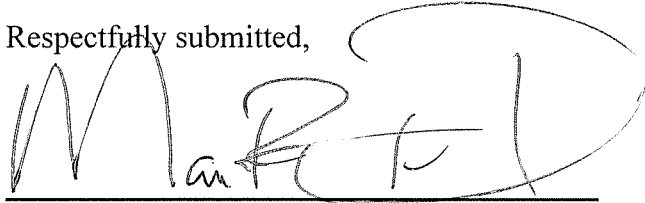
15. Kentucky Power admits so much of paragraph 16 of the Complaint that alleges the Commission issued an Order in Case No. 2012-00226 on June 28, 2012, refers to the Order for its terms, and denies any allegations inconsistent therewith.
16. Kentucky Power admits so much of paragraph 17 that alleges Greg G. Pauley and others received on behalf of Kentucky Power the e-mail message attached as Exhibit C to the Complaint, refers to the e-mail message for its terms, and denies any allegations inconsistent therewith.
17. Kentucky Power admits so much of paragraph 18 of the Complaint that alleges Ranie K. Wohnhas sent on behalf of Kentucky Power to Ron Johnson of Air Liquide the e-mail message attached as Exhibit D to the Complaint, refers to the e-mail message for its terms, and denies any allegations inconsistent therewith.
18. Kentucky Power is without information sufficient to admit or deny the first sentence of paragraph 19 of the Complaint, which describes Complainant’s “understanding,” and therefore denies the same. Kentucky Power admits the second sentence of paragraph 19 of the Complaint.
19. Kentucky Power admits paragraphs 20-23 of the Complaint.
20. Kentucky Power admits the first sentence of paragraph 24 of the Complaint. Kentucky Power denies the second sentence of paragraph 24 of the Complaint.

21. Kentucky Power admits that the language appearing in quotation marks in paragraph 25 of the Complaint appears on Kentucky Power's Tariff Sheet 2-1 (Terms and Conditions of Service), but denies the remaining allegations of paragraph.
22. Kentucky Power admits that the language appearing in quotation marks in paragraph 26 of the Complaint appears on Kentucky Power's Tariff Sheet No. 7-2 2-1 (Small General Service) but denies that the tariff is applicable to Air Liquide.
23. Kentucky Power admits the allegations contained in paragraphs 27 and 29 of the Complaint.
24. Kentucky Power admits the allegations contained in paragraph 28 of the Complaint but is without information sufficient to admit or deny what is intended by the phrase "similar language" and therefore denies the same.
25. Kentucky Power is without knowledge of the allegations contained in paragraph 30 of the Complaint and denies the same.
26. Kentucky Power denies the allegations contained in paragraphs 31 and 33-34 of the Complaint.
27. Kentucky Power lacks information sufficient to admit or deny the first sentence of paragraph 32 of the Complaint, which refers to Complainant's "understanding," and therefore denies the same. Kentucky Power denies the second sentence of the paragraph.

28. Kentucky Power denies any allegations not expressly admitted above.

Wherefore, Kentucky Power Company respectfully requests that the Complaint be dismissed with prejudice and that it be all other relief to which it may be entitled.

Respectfully submitted,



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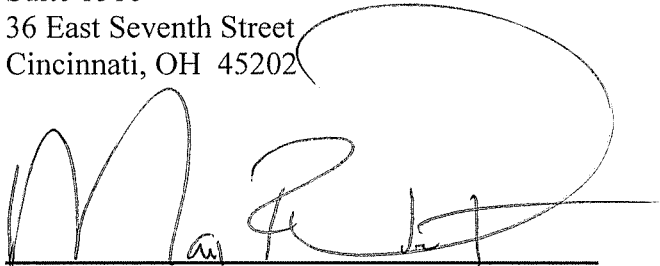
COUNSEL FOR KENTUCKY POWER
COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by first class mail, postage prepaid, upon the following parties of record, this 3rd day of August, 2012.

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