COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY UTILITIES COMPANY FOR AN ADJUSTMENT OF ITS ELECTRIC RATES AND FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

ELECTRONIC APPLICATION OF LOUISVILLE GAS AND ELECTRIC COMPANY FOR AN ADJUSTMENT OF ITS ELECTRIC AND GAS RATES AND FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

ORDER

By Order entered January 26, 2017, the Commission scheduled a public hearing to be held on May 2, 2017, in these non-consolidated cases for the purpose of cross-examination of witnesses of Kentucky Utilities Company and Louisville Gas and Electric Company (collectively “Utilities”) and Intervenors. That hearing was subsequently rescheduled to May 9, 2017.¹ Upon the joint motion of the Utilities, an informal conference was held at the Commission’s offices beginning on April 12, 2017, for the purposes of discussing the issues and the possible resolution of issues in these cases.

As a result of the discussions held at the informal conference, a Stipulation and Recommendation was filed on April 19, 2017 (“April 19 Stipulation”), signed by the Utilities

¹ Order (Ky. PSC Apr. 7, 2017).
and all but two of the Intervenors, setting forth a recommended settlement of all issues in these cases. Twelve days later, on May 1, 2017, a Second Stipulation and Recommendation ("May 1 Stipulation") was filed, signed by the Utilities and BellSouth Telecommunications, LLC d/b/a AT&T Kentucky ("AT&T") and Kentucky Cable Telecommunications Association ("KCTA"), the two Intervenors who had not signed onto the April 19 Stipulation. The May 1 Stipulation sets forth a recommended settlement that relates exclusively to pole attachments and provides that the two signing Intervenors do not object to the April 19 Stipulation, except for the agreed-to revisions to the pole attachment provisions. On April 19, 2017, and May 1, 2017, the Utilities jointly filed motions requesting the Commission to accept for filing the April 19 Stipulation and the May 1 Stipulation, respectively. On April 24, 2017, the Utilities filed a motion requesting leave to submit testimonies in support of the April 19 Stipulation and tendered the supporting testimonies.

Based on a review of the record and being otherwise sufficiently advised, the Commission acknowledges the efforts of all parties to work collaboratively to achieve settlements on the issues in these cases. However, the Commission reiterates its statements, made at the March 28, 2017 hearing, that it is our statutory responsibility to determine whether proposed utility rates are fair, just, and reasonable, and we cannot delegate that responsibility to the parties to these cases. The hearing scheduled on May 9, 2017, will now be for the purposes of cross-examination of all witness and for the consideration of the two recommended settlements.
The Commission will require all of the Utilities' employee witnesses to be at the hearing, as well as the Utilities' consultant witness Steve Seelye, Kentucky Industrial Utility Customers, Inc.'s ("KIUC") witness Stephen Baron, and Kentucky School Board Association's ("KSBA") witness Ronald Willhite. To provide the Utilities and Intervenors an opportunity to cross-examine any of the other witnesses, a written notice setting forth the name of each other witness to be cross-examined should be filed by May 5, 2017. In the absence of a notice naming witnesses other than those required by the Commission to be at the hearing, the parties will be deemed to have waived cross-examination of those witnesses, and the witnesses will be excused from attending the May 9, 2017 hearing.

Finally, the Commission finds good cause to grant the Utilities' joint motions and to accept for filing the April 19 Stipulation, the May 1 Stipulation, and the tendered testimonies in support of the April 19 Stipulation.

IT IS THEREFORE ORDERED that:

1. All of the Utilities' employee witnesses as well as the Utilities' consultant witness Steve Seelye, KIUC's witness Stephen Baron, and KSBA's witness Ronald Willhite shall be at the hearing.

2. Any party that wishes to cross-examine any of the other witnesses shall file by May 5, 2017, a written notice setting forth the name of each witness to be cross-examined.
3. The parties shall be deemed to have waived cross-examination of any witness not required by the Commission to be at the hearing and not named by a party by May 5, 2017, to be cross-examined, and those witnesses are excused from attending the May 9, 2017 hearing.

4. The Utilities' joint motions to accept for filing the April 19 Stipulation, the May 1 Stipulation, and the tendered testimonies in support of the April 19 Stipulation are granted, and those documents are accepted for filing.

By the Commission

ENTERED
MAY 03, 2017
KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

[Signature]
Executive Director

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