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

ATTEST:

[Signature]
Executive Director

ENTERED
MAY 03, 2017
KENTUCKY PUBLIC SERVICE COMMISSION

Case No. 2016-00370
Case No. 2016-00371
*Honorable Allyson K Sturgeon
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable Allyson K Sturgeon
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*William May
Hurt, Deckard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

*William May
Hurt, Deckard & May
The Equus Building
127 West Main Street
Lexington, KENTUCKY 40507

*Barry Alan Naum
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Barry Alan Naum
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Casey Roberts
Sierra Club
1536 Wynkoop St., Suite 312
Denver, COLORADO 80202

*Casey Roberts
Sierra Club
1536 Wynkoop St., Suite 312
Denver, COLORADO 80202

*Carrrie M Harris
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Carrrie M Harris
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Gregory T Dutton
Goldberg Simpson LLC
9301 Dayflower Street
Louisville, KENTUCKY 40059

*Gregory T Dutton
Goldberg Simpson LLC
9301 Dayflower Street
Louisville, KENTUCKY 40059

*Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Cheryl Winn
Waters Law Group, PLLC
12802 Townepark Way, Suite 200
Louisville, KENTUCKY 40243

*Cheryl Winn
Waters Law Group, PLLC
12802 Townepark Way, Suite 200
Louisville, KENTUCKY 40243

*Dennis G Howard, II
Howard Law PLLC
740 Emmett Creek Lane
Lexington, KENTUCKY 40515

*Dennis G Howard, II
Howard Law PLLC
740 Emmett Creek Lane
Lexington, KENTUCKY 40515

*Don C A Parker
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Don C A Parker
Spilman Thomas & Battle, PLLC
1100 Brent Creek Blvd., Suite 101
Mechanicsburg, PENNSYLVANIA 17050

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Jody Kyler Cohn
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Emily W Medlyn
General Attorney
U.S. Army Legal Services Agency Regul
9275 Gunston Road
Fort Belvoir, VIRGINIA 22060

*Emily W Medlyn
General Attorney
U.S. Army Legal Services Agency Regul
9275 Gunston Road
Fort Belvoir, VIRGINIA 22060

*Janice Theriot
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

*Janice Theriot
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

*Eileen Ordonez
Legal Aid Society
416 West Muhammad Ali Boulevard
Suite 300
Louisville, KENTUCKY 40202

*Eileen Ordonez
Legal Aid Society
416 West Muhammad Ali Boulevard
Suite 300
Louisville, KENTUCKY 40202

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Honorable Kurt J Boehm
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OHIO 45202

*Janice Theriot
Zielke Law Firm PLLC
1250 Meidinger Tower
462 South Fourth Avenue
Louisville, KENTUCKY 40202

*Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Thomas J Fitzgerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KENTUCKY 40602

*Thomas J Fitzgerald
Counsel & Director
Kentucky Resources Council, Inc.
Post Office Box 1070
Frankfort, KENTUCKY 40602

*Kent Chandler
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Kent Chandler
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Cheryl Winn
Waters Law Group, PLLC
12802 Townepark Way, Suite 200
Louisville, KENTUCKY 40243

*Cheryl Winn
Waters Law Group, PLLC
12802 Townepark Way, Suite 200
Louisville, KENTUCKY 40243

*G. Houston Parrish
Labor Law Attorney
Office of the Staff Judge Advocate, B
50 3rd Avenue
Fort Knox, KENTUCKY 40121

*G. Houston Parrish
Labor Law Attorney
Office of the Staff Judge Advocate, B
50 3rd Avenue
Fort Knox, KENTUCKY 40121
*Honorable Lisa Kilkelly  
Attorney at Law  
Legal Aid Society  
416 West Muhammad Ali Boulevard  
Suite 300  
Louisville, KENTUCKY  40202

*Honorable Matthew R Malone  
Attorney at Law  
Hurt, Deckard & May  
The Equus Building  
127 West Main Street  
Lexington, KENTUCKY  40507

*Laurence J Zielke  
Zielke Law Firm PLLC  
1250 Meidinger Tower  
462 South Fourth Avenue  
Louisville, KENTUCKY  40202

*Paul Werner  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DISTRICT OF COLUMBIA  20006

*Matthew Miller  
Sierra Club  
50 F Street, NW, Eighth Floor  
Washington, DISTRICT OF COLUMBIA  20001

*Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY  40601-8204

*Megan Grant  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DISTRICT OF COLUMBIA  20006

*Honorable Robert C Moore  
Attorney At Law  
Stites & Harbison  
421 West Main Street  
P. O. Box 634  
Frankfort, KENTUCKY  40602-0634

*Mark E Heath  
Spilman Thomas & Battle, PLLC  
300 Kanawha Blvd, East  
Charleston, WEST VIRGINIA  25301

*Robert Conroy  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY  40202

*Michael J O'Connell  
Jefferson County Attorney  
Brandeis Hall of Justince  
600 West Jefferson St., Suite 2086  
Louisville, KENTUCKY  40202

*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY  40232-2010

*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
36 East Seventh Street  
Suite 1510  
Cincinnati, OHIO  45202

*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY  40232-2010

*Denotes Served by Email

Service List for Case 2016-00371