

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EXAMINATION BY THE PUBLIC	)	
SERVICE COMMISSION OF THE	)	
ENVIRONMENTAL SURCHARGE MECHANISM	)	CASE NO.
OF LOUISVILLE GAS AND ELECTRIC	)	2016-00438
COMPANY FOR THE SIX-MONTH BILLING	)	
PERIOD ENDING OCTOBER 31, 2016	)	

ORDER

On April 6, 1995, the Commission approved Louisville Gas and Electric Company's ("LG&E") environmental surcharge application and established a surcharge mechanism.<sup>1</sup> Pursuant to KRS 278.183(3), at six-month intervals, the Commission must review the past operations of the environmental surcharge. After hearing, the Commission may, by temporary adjustment in the surcharge, disallow any surcharge amounts found not to be just and reasonable and reconcile past surcharges with actual costs recoverable pursuant to KRS 278.183(1). Therefore, the Commission hereby initiates the six-month review of the surcharge as billed from May 1, 2016, to October 31, 2016.<sup>2</sup>

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<sup>1</sup> Case No. 1994-00332, *The Application of Louisville Gas and Electric Company for Approval of Compliance Plan and to Assess a Surcharge Under KRS 278.183 to Recover Costs of Compliance with Environmental Requirements for Coal Combustion Wastes and By-Products* (Ky. PSC Apr. 6, 1995).

<sup>2</sup> Since LG&E's surcharge is billed on a two-month lag, the amounts billed are based on costs incurred from March 2016 through August 2016.

On May 3, 2013, LG&E filed with the Commission written notification of its election pursuant to 807 KAR 5:001, Section 8, to use the electronic filing procedures in all future company six-month and two-year environmental surcharge review proceedings.<sup>3</sup> As 807 KAR 5:001, Section 8, permits the Commission to direct the use of electronic filing procedures for proceedings which we initiate on our own motion, we find that electronic filing procedures should be used. As such, LG&E shall follow the procedures set forth in 807 KAR 5:001, Section 8, when filing any document or paper in this matter.

Pursuant to 807 KAR 5:001, Section 8, unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means, and the party shall file with the Commission within seven days of the date of an Order of the Commission granting the intervention a written statement that the party, or the party's authorized agent, possesses the facilities to receive electronic transmissions and sets forth the electronic mail address to which all electronic notices and messages related to the proceeding should be served.

To facilitate this review, a procedural schedule is set forth in Appendix A to this Order. In accordance with that schedule, LG&E is to file prepared direct testimony in support of the reasonableness of the application of its environmental surcharge mechanism during the time period under review. In addition, LG&E is to file its

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<sup>3</sup> Letter from Allyson K. Sturgeon, Counsel for Louisville Gas and Electric Company, to Jeff Derouen, Executive Director, Public Service Commission (May 3, 2013).

response to the information requested in Appendix B, attached hereto and incorporated herein.

Since the approval of its original environmental compliance plan and surcharge mechanism, LG&E has sought and been granted seven amendments to its original environmental compliance plan and surcharge mechanism. Pursuant to our Order approving the Settlement agreement, Stipulation, and Recommendation in Case No. 2012-00222,<sup>4</sup> all costs associated with LG&E's 2005 and 2006 amended compliance plans were rolled into LG&E's base rates. After this last roll-in, the environmental surcharge provides recovery of the costs associated with the 2009, 2011, and 2016 amended environmental compliance plans. When determining its over- or under-recovery of the surcharge in this proceeding, LG&E should reflect the impacts of these prior cases, as applicable.

IT IS THEREFORE ORDERED that:

1. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, shall be followed when filing papers in this proceeding.
2. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of entry of this Order, LG&E shall file a written statement, with a copy to parties of record, that:
  - a. Certifies that it, or its authorized agent, possesses the facilities to receive electronic transmissions; and
  - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

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<sup>4</sup> Case No. 2012-00222, *Application of Louisville Gas and Electric Company for an Adjustment of Its Electric and Gas Rates, a Certificate of Public Convenience and Necessity, Approval of Ownership of Gas Service Lines and Risers, and a Gas Line Surcharge* (Ky. PSC Dec. 20, 2012).

3. Unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means; and

b. Within seven days of the date of an Order of the Commission granting its intervention, file with the Commission a written statement that:

(1) Certifies that it, or its authorized agent, possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

4. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001, Section 4(8).

5. The procedural schedule set forth in Appendix A to this Order shall be followed in this proceeding.

6. Any person who submits a motion to intervene after January 31, 2017, shall show a basis for intervention and good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

7. LG&E shall file, by January 24, 2017, its prepared direct testimony in support of the reasonableness of the application of its environmental surcharge mechanism during the period under review.

8. a. The information requested in Appendix B to this Order is due on or before January 24, 2017. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with an original in paper medium and an electronic version to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior responses if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the response so that personal information cannot be read.

9. Within seven days of the Commission's granting intervention to a party, LG&E shall provide the party with a copy of its monthly environmental surcharge reports as filed with the Commission for the review period.

10. LG&E's monthly environmental surcharge reports and supporting data for the review period shall be incorporated by reference into the record of this case.

11. The case records of Case Nos. 1994-00332, 2000-00386, 2002-00147, 2002-00193, 2003-00433, 2004-00421, 2006-00208, 2009-00198, 2011-00162, and 2016-00027<sup>5</sup> shall be incorporated by reference into the record of this case.

12. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

13. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

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<sup>5</sup> Case No. 1994-00332, Louisville Gas and Electric Company (Ky. PSC Apr. 6, 1995); Case No. 2000-00386, *The Application of Louisville Gas and Electric Company for Approval of an Amended Compliance Plan for Purposes of Recovering the Costs of New and Additional Pollution Control Facilities and to Amend Its Environmental Cost Recovery Surcharge Tariff* (Ky. PSC Aug. 30, 2001); Case No. 2002-00147, *Application for an Amended Environmental Compliance Plan, and a Revised Surcharge to Cover the Costs* (Ky. PSC Sept. 4, 2003); Case No. 2002-00193, *An Examination by the Public Service Commission of the Environmental Surcharge Mechanism of Louisville Gas and Electric Company for the Six-Month Billing Periods Ending April 30, 2000, October 31, 2000, October 31, 2001, and April 30, 2002 and for the Two-Year Billing Period Ending April 30, 2001* (Ky. PSC Oct. 22, 2002); Case No. 2003-00433, *An Adjustment of the Gas and Electric Rates, Terms, and Conditions of Louisville Gas and Electric Company* (Ky. PSC June 30, 2004); Case No. 2004-00421, *The Application of Louisville Gas and Electric Company for Approval of Its 2004 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC June 20, 2005); Case No. 2006-00208, *The Application of Louisville Gas and Electric Company for Approval of Its 2006 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Dec. 21, 2006); Case No. 2009-00198, *Application of Louisville Gas and Electric Company for a Certificate of Public Convenience and Necessity and Approval of Its 2009 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Dec. 23, 2009); Case No. 2011-00162, *Application of Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Approval of Its 2011 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Dec. 15, 2011); and Case No. 2016-00027, *Application of Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Approval of Its 2016 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Aug. 8, 2016).

By the Commission

ENTERED  
JAN 04 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2016-00438



APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2016-00438 DATED **JAN 04 2017**

- LG&E shall file its prepared direct testimony and responses to the information requested in Appendix B no later than.....01/24/17
- A person interested in becoming a party to this proceeding shall file a motion to intervene with the Commission pursuant to 807 KAR 5:001, Section 4(11), no later than .....01/31/17
- An informal technical conference is to begin at 1:30 p.m. Eastern Standard Time, in Conference Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the discussion of issues.....02/14/17
- Additional requests for information to LG&E shall be filed no later than .....03/14/17
- LG&E shall file responses to additional requests for information no later than .....03/28/17
- Intervenor testimony, if any, in verified prepared form shall be filed no later than .....04/11/17
- Requests for information to Intervenors shall be filed no later than .....04/25/17
- Intervenors shall file responses to requests for information no later than .....05/09/17
- Last day for LG&E to request a hearing or submit this case for decision based on the record.....05/23/17



## APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2016-00438 DATED **JAN 04 2017**

### COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO LOUISVILLE GAS AND ELECTRIC COMPANY

1. Concerning the rate of return on the 2009, 2011, and 2016 amendments to the environmental compliance plan, for the period under review, calculate any true-up adjustment needed to recognize changes in LG&E's cost of debt, preferred stock, accounts receivable financing (if applicable), or changes in LG&E's jurisdictional capital structure as of October 31, 2016. Include all assumptions and other supporting documentation used to make this calculation. Any true-up adjustment is to be included in the determination of the over- or under-recovery of the surcharge for the corresponding billing period under review. Provide all exhibits and schedules of your response in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

2. Prepare a summary schedule showing the calculation of Total E(m), Net Retail E(m), and the surcharge factor for the expense months covered by the applicable billing period. Include the expense months for the two expense months subsequent to the billing period in order to show the over- and under-recovery adjustments for the months included for the billing period under review. The summary schedule is to incorporate all corrections and revisions to the monthly surcharge filings LG&E has submitted during the billing period under review. Include all supporting calculations and documentation for any such additional over- or under-recovery. Provide all exhibits and

schedules of your response in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

3. Provide the calculations, assumptions, work papers, and other supporting documents used to determine the amounts LG&E has reported during each billing period under review for Pollution Control Deferred Income Taxes. Provide all exhibits and schedules of your response in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

4. Refer to ES Form 2.50, Pollution Control – Operations & Maintenance Expenses, for the expense months covered by the applicable billing period. For each expense account number listed on this schedule, explain the reason(s) for any change in the expense levels from month to month if that change is greater than plus or minus 10 percent.

5. In Case No. 2000-00386,<sup>6</sup> the Commission ordered that LG&E's cost of debt and preferred stock would be reviewed and re-established during the six-month review case. Provide the following information as of October 31, 2016:

a. The outstanding balances for long-term debt, short-term debt, preferred stock, and common equity. Provide this information on total company and Kentucky jurisdictional bases.

b. The blended interest rates for long-term debt, short-term debt, and preferred stock. Include all supporting calculations showing how these blended interest rates were determined. If applicable, provide the blended interest rates on total

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<sup>6</sup> Case No. 2000-00386, Louisville Gas and Electric Company (Ky. PSC Apr. 18, 2001).

company and Kentucky jurisdictional bases. For each outstanding debt listed, indicate whether the interest rate is fixed or variable.

c. LG&E's calculation of its weighted average cost of capital for environmental surcharge purposes.

d. Provide all supporting exhibits and schedules in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

6. Provide the actual average residential customer's usage. Based on this usage amount, provide the dollar impact the over/under recovery will have on the average residential customer's bill for the requested recovery period. Provide all supporting calculations and documentation in Excel spreadsheet format, with formulas intact and unprotected and all rows and columns accessible.

7. Refer to LG&E's monthly environmental surcharge reports for expense months of May and June 2016, ES Form 2.6, lines 1 and 2. The amounts in the column labeled "Total" are the same for both months. Explain whether this is an error and provide any necessary corrections.

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