

124 FERC ¶ 61,289  
UNITED STATES OF AMERICA  
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Joseph T. Kelliher, Chairman;  
Sudeen G. Kelly, Marc Spitzer,  
Philip D. Moeller, and Jon Wellinghoff.

E.ON U.S. LLC

Docket No. OA07-37-001

ORDER GRANTING REQUEST FOR CLARIFICATION

(Issued September 25, 2008)

1. In an order issued on June 24, 2008, the Commission accepted a compliance filing, as modified, by E.ON U.S. LLC, filed on behalf of its operating companies, Louisville Gas and Electric Company and Kentucky Utilities Company (LG&E/KU).<sup>1</sup> In pertinent part, the background section of the June 24 Order made reference to an earlier order, stating the following:

In the September 10 Order,<sup>2</sup> the Commission determined that, between their application and their answer, LG&E/KU had adequately supported their proposal to include lost opportunity costs in imbalance charges. However, the Commission directed LG&E/KU to further explain their proposal to eliminate the reference to commitment and redispatch costs from the definition of incremental and decremental costs. . . .<sup>3</sup>

2. On July 24, 2008, Owensboro Municipal Utilities and Kentucky Municipal Power Agency (OMU/KMPA) filed a request for clarification or, in the alternative, rehearing of the June 24 Order. OMU/KMPA state that the June 24 Order misstated the September 10 Order's disposition regarding LG&E/KU's proposal to recover lost opportunity costs in its Schedule 4 and Schedule 9 imbalance charges. OMU/KMPA note that the September 10 Order actually rejected LG&E/KU's proposal to recover lost opportunity costs. OMU/KMPA state that they presume this was an inadvertent mistake, and they request clarification to allow the Commission to correct the error. Alternatively, if the

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<sup>1</sup> *E.ON U.S., LLC*, 122 FERC ¶ 61,321 (2008) (June 24 Order).

<sup>2</sup> *Louisville Gas and Electric Co. and Kentucky Utilities Co.*, 120 FERC ¶ 61,227 (2007) (September 10 Order).

<sup>3</sup> June 24 Order, 122 FERC ¶ 61,321 at n.13.

Commission has changed its mind and believes that LG&E/KU's lost opportunity cost proposal is just and reasonable, OMU/KMPA request rehearing.

3. OMU/KMPA are correct that the September 10 Order rejected LG&E/KU's proposal to recover lost opportunity costs in imbalance charges.<sup>4</sup> Thus, the statement in the first sentence of footnote 13 of the background section of the September 10 Order was an inadvertent error. Accordingly, OMU/KMPA's request for clarification of the June 24 Order is granted, and their alternative request for rehearing is dismissed as moot.

The Commission orders:

OMU/KMPA's request for clarification of the June 24 Order is hereby granted, as discussed in the body of this order.

By the Commission.

( S E A L )

Kimberly D. Bose,  
Secretary.

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<sup>4</sup> *Id.* P 27 ("The Commission . . . will reject LG&E/KU's proposal to recover its lost opportunity costs.") and P 30 (directing LG&E/KU to submit revised tariff sheets eliminating their lost opportunity cost proposal).