

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DUKE ENERGY KENTUCKY, INC.)	
_____)	
ALLEGED FAILURE TO COMPLY WITH)	CASE NO. 2014-00263
807 KAR 5:027, SECTION 3)	

ORDER

On August 26, 2014, Duke Energy Kentucky, Inc. (“Duke”) moved the Commission to dismiss this case or, in the alternative, to suspend the formal hearing date and schedule an informal conference with Commission Staff for the purpose of discussing settlement and expediting resolution of this matter.

In support of its motion, Duke denies the allegations raised in the Commission’s August 7, 2014 Order. It asserts that it notified the Kentucky Emergency Operations Center of the January 25, 2013 incident within the requisite two-hour timeframe, and therefore believed in good faith that notice was provided to the Commission. It points to the prior version of a notification guideline document, which stated that notice to the Kentucky Emergency Management – Emergency Operations Center would result in notification of all emergency personnel.¹ It further notes that it has changed its emergency procedures to require direct notification to the Commission in the event of an emergency. Finally, Duke argues that because the severity of the alleged violation is minimal, a monetary penalty should not be assessed.

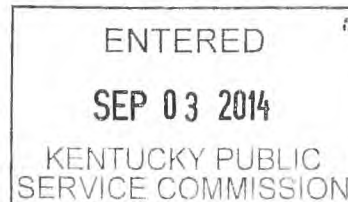
¹ Response of Duke Energy Kentucky, Inc., Attachment 1.

The Commission, having considered Duke's Response, finds that material questions of fact exist that cannot be determined on the existing record. Accordingly, the Commission will deny Duke's motion to dismiss this action and to suspend the formal hearing. The Commission further finds that Duke's motion for an informal conference should be granted.

IT IS THEREFORE ORDERED that:

1. Duke's motion to dismiss is denied.
2. Duke's motion to suspend the formal hearing is denied, without prejudice.
3. Duke's motion for an informal conference is granted.
4. An informal conference shall be held in this matter on Thursday, September 25, 2014, at 10:00 a.m. Eastern Daylight Time, in Conference Room 2 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.

By the Commission



ATTEST:



Executive Director

Rocco D'Ascenzo
Senior Counsel
Duke Energy Kentucky, Inc.
139 East Fourth Street
P. O. Box 960
Cincinnati, OH 45201