

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF THE GAS COSTS	)	CASE NO.
OF B & H GAS COMPANY PURSUANT TO	)	2015-00367
KRS 278.2207 AND THE WHOLESALE GAS	)	
PRICE IT IS CHARGED BY ITS AFFILIATE,	)	
B & S OIL AND GAS COMPANY, PURSUANT	)	
TO KRS 278.274	)	

ORDER

On November 3, 2016, the Commission scheduled an evidentiary hearing in this matter for November 21, 2016. On November 9, 2016, B&H Gas Company (“B&H”) and B&S Oil and Gas Company (“B&S”) (jointly “the Companies”) filed a motion requesting that this hearing be rescheduled, because “[e]ach year Bud Rife hosts a thanksgiving dinner on the Monday before Thanksgiving, and has already invited his employees and community members. . . .”<sup>1</sup> In addition, the Companies’ counsel stated that he did not receive the November 3, 2016 Order by electronic mail, and “has not received any of the Commission’s recent Orders which were supposedly served by electronic transmission.” Further, the Companies’ counsel stated that he “hereby opts out of service by electronic mail and requests that all future Orders or other documents served by the Commission be made by U.S. mail.”<sup>2</sup>

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<sup>1</sup> Motion at 1.

<sup>2</sup> *Id.* at 1–2.

KRS 278.380<sup>3</sup> states that “[n]otwithstanding any statute to the contrary, the commission may deliver its orders by means of electronic transmission rather than by mail.” Although counsel for the Companies has requested to “opt out of service by electronic mail,” the Commission has discretion to grant such a request if the party making such a request “demonstrates good cause” for delivery by mail. In the case at bar, all Commission Orders have been served on the parties, as well as to counsel for the parties, via electronic transmission to the electronic mail addresses on file with the Commission. This includes B&H and B&S separately, as well as to counsel for both entities. Although the Commission has occasionally received notice of non-delivery of electronic transmissions from the recipient’s domain server,<sup>4</sup> no such notification has been received for any party or counsel in this matter.

The Commission, being otherwise sufficiently advised, finds that the Companies’ request to reschedule the hearing in this matter is reasonable and should be granted. The Commission further finds that the Companies have not demonstrated good cause for service of Commission Orders to be made by U.S. mail rather than by electronic transmission and that this request should be denied.

IT IS THEREFORE ORDERED that:

1. The Companies’ request to reschedule the November 21, 2016 evidentiary hearing in this matter is granted.

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<sup>3</sup> KRS 278.380 was amended, effective July 15, 2014, expanding the use of electronic transmission for service of Commission Orders.

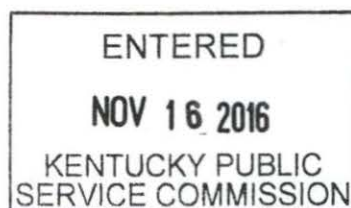
<sup>4</sup> Notification of non-delivery of an electronic transmission, when received by the Commission, may indicate the reason for non-delivery, such as the intended recipient’s use of a spam filter, an invalid electronic mail address for the intended recipient, or that the electronic mailbox of the intended recipient is full. Having researched this issue in this case, however, the Commission notes that it has not received any such non-delivery notification from the domain servers for B&H, B&S, or counsel for any of the parties.

2. The Companies' request to opt out of the electronic transmission of Commission Orders and for service of Orders to be made by U.S. mail is denied.

3. The hearing previously scheduled for November 21, 2016, is rescheduled to December 5, 2016, beginning at 9:00 a.m., Eastern Standard Time.

4. All other provisions in the November 3, 2016 Order shall remain in full force and effect.

By the Commission



ATTEST:

  
Executive Director

\*B & H Gas Company  
P. O. Box 447  
Betsy Layne, KY 41605

\*B & H Gas Company  
B & H Gas Company  
P. O. Box 447  
Betsy Layne, KY 41605

\*B & S Oil and Gas Company  
P.O. Box 155  
Harold, KENTUCKY 41635

\*Joe F Childers  
Joe F. Childers & Associates  
300 Lexington Building  
201 West Short Street  
Lexington, KENTUCKY 40507

\*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*Rebecca W Goodman  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204