

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN EXAMINATION OF THE APPLICATION OF THE	)	
FUEL ADJUSTMENT CLAUSE OF JACKSON	)	CASE NO.
PURCHASE ENERGY CORPORATION FROM	)	2016-00252
NOVEMBER 1, 2015 THROUGH APRIL 30, 2016	)	

ORDER

Pursuant to 807 KAR 5:056, the Commission established this case by Order dated August 12, 2016, to review and evaluate the operation of the Fuel Adjustment Clause ("FAC") of Jackson Purchase Energy Corporation ("Jackson Purchase") for the six-month period that ended on April 30, 2016.

As part of this review, Jackson Purchase complied with the Commission's Order to submit certain information concerning its compliance with 807 KAR 5:056. The Commission further ordered that a public hearing be held in this case and indicated that if no interested party notified the Commission of its intent to attend by November 7, 2016, the hearing would be cancelled and the matter would be considered submitted for decision based on the evidence in the record. No individual or entity advised the Commission of an intent to attend the hearing by November 7, 2016. The public hearing was cancelled, and the matter is considered submitted for decision based on the evidence in the record.

Jackson Purchase, on November 7, 2016, filed with the Commission its notice of proof of publication. Included in the notice was a motion pursuant to 807 KAR 5:001, Section 22 for a limited deviation from the requirements of 807 KAR 5:001 Section (9)2)

requiring publication of notice of a hearing in a newspaper of general circulation in the areas that will be affected, “no less than seven (7) nor more than twenty-one (21) days prior to the hearing . . . .”

Jackson Purchase, as grounds for its motion, states that it caused notice of the hearing to be published in six newspapers of general circulation in its service areas. While, five of the newspapers timely published the notice, the sixth newspaper, the *Livingston Ledger*, published notice of the hearing on November 3, 2016, one day later than required. Jackson Purchase claims that through inadvertence and/or excusable neglect, it anticipated that the *Livingston Ledger*, like the other publications in the area, would publish the notice on November 2, 2016, and requests a limited deviation from this publication requirement. Jackson Purchase asserts that it attempted in good faith to comply with the publication requirement and that the day-late publication of the notice results in no prejudice.

The Commission, having considered the evidence in the record and being otherwise sufficiently advised, finds no evidence that Jackson Purchase has improperly calculated or applied its FAC charge. The Commission also finds that good cause exists to grant Jackson Purchase’s request for a limited deviation from the publication requirements of 807 KAR 5:001, Section 9(2).

IT IS THEREFORE ORDERED that:

1. The charges and credits applied by Jackson Purchase through the FAC for the period November 1, 2015, through April 30, 2016, are approved.
2. Jackson Purchase’s motion for limited deviation from the publication requirements of 807 KAR 5:001, Section 9(2) as described herein is granted.

By the Commission

ENTERED  
JAN 11 2017  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

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