

1 ENERGY AND ENVIRONMENT CABINET

2 Public Service Commission

3 (Amended After Comments)

4 807 KAR 5:001. Rules of procedure.

5 RELATES TO: KRS 61.870-884, **61.931-934**, 65.810, Chapter 74, 278.010,
6 278.020(3), 278.100, 278.180, 278.300, **278.410**, 322.340, 365.015, 369.102, 424.300,
7 **45 C.F.R. 160.103**, 47 C.F.R. 36, **20 U.S.C. 1232g**

8 STATUTORY AUTHORITY: KRS 278.040(3), 278.260(2), 278.310

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 278.040(3) authorizes the
10 commission to promulgate reasonable administrative regulations to implement the
11 provisions of KRS Chapter 278. KRS 278.310 requires that all hearings and
12 investigations before the commission shall be governed by rules promulgated by the
13 commission. This administrative regulation establishes requirements with respect to
14 formal and informal proceedings before the commission.

15 Section 1. Definitions. (1) "Affiliate" means an entity:

16 (a) That is wholly owned by a utility;

17 (b) In which a utility has a controlling interest;

18 (c) That wholly owns a utility;

19 (d) That has a controlling interest in a utility; or

20 (e) That is under common control with the utility.

21 (2) "Case" means a matter coming formally before the commission.

1 (3) "Commission" is defined by KRS 278.010(15).

2 (4) "Controlling interest in" and "under common control with" mean a utility or
3 other entity if the utility or entity:

4 (a) Directly or indirectly has the power to direct, or to cause the direction of, the
5 management or policies of another entity; and

6 (b) Exercises that power:

7 1. Alone or through one (1) or more intermediary companies[~~, or alone~~];

8 2. In conjunction with, or pursuant to an agreement;

9 3. Through ownership of ten (10) percent or more of the voting securities;

10 4. Through common directors, officers, stockholders, voting or holding trusts, or
11 associated companies;

12 5. By contract; or

13 6. Through direct or indirect means.

14 (5) "Electronic mail" means an electronic message that is sent to an electronic
15 mail address and transmitted between two (2) or more telecommunication devices,
16 computers, or electronic devices capable of receiving electronic messages.

17 (6) "Electronic mail address" means a destination, commonly expressed as a
18 string of characters, to which electronic mail can be sent or delivered, and consists of a
19 user name or mailbox and a reference to an Internet domain.

20 (7) "Electronic signature" is defined by KRS 369.102(8).

21 (8) "Executive director" means the person appointed to the position established
22 in KRS 278.100 or a person that he or she has designated to perform a duty or duties
23 assigned to that position.

1 (9) "Paper" means, regardless of the medium on which it is recorded, an
2 application, petition, or other initiating document, motion, complaint, answer, response,
3 reply, notice, request for information, or other document that this administrative
4 regulation or the commission directs or permits a party to file in a case.

5 (10) "Party" means a person who:

6 (a) Initiates action through the filing of a formal complaint, application, or petition;

7 (b) Files a tariff or tariff sheet with the commission pursuant to KRS 278.180 and
8 807 KAR 5:011 that the commission has suspended and established a case to
9 investigate or review;

10 (c) Is named as a defendant in a formal complaint filed pursuant to Section 20 of
11 this administrative regulation;

12 (d) Is granted leave to intervene pursuant to Section 4(11) of this administrative
13 regulation; or

14 (e) Is joined to a commission proceeding.

15 (11) "Person" is defined by KRS 278.010(2).

16 (12)~~["Sewage utility" means a utility that meets the requirements of KRS~~
17 ~~278.010(3)(f).~~

18 ~~(13)~~ "Signature" means a manual, facsimile, conformed, or electronic signatures.

19 ~~(13)~~~~(14)~~ "Tariff" means the schedules of a utility's rates, charges, regulations,
20 rules, tolls, terms, and conditions of service over which the commission has jurisdiction.

21 ~~(14)~~~~(15)~~ "Utility" is defined by KRS 278.010(3).

22 ~~(15)~~~~(16)~~ "Water district" means a special district formed pursuant to KRS 65.810
23 and Chapter 74.

1 ~~(16)~~~~(17)~~ "Web site" means an identifiable site on the internet, including social
2 media, which is accessible to the public.

3 Section 2. Hearings. The commission shall provide notice of hearing in a case by
4 order except if a hearing is not concluded on the designated day and the presiding
5 officer verbally announces the date for continuation of the hearing. A verbal
6 announcement made by the presiding officer shall be deemed proper notice of the
7 continued hearing.

8 Section 3. Duties of Executive Director. (1) Upon request, the executive director
9 shall:

10 (a) Advise as to the form of a paper desired to be filed;

11 (b) Provide general information regarding the commission's procedures and
12 practices; and

13 (c) Make available from the commission's files, upon request, a document or
14 record pertinent to a matter before the commission unless KRS 61.878 expressly
15 exempts the document or record from inspection or release.

16 (2) The executive director shall reject for filing a document that on its face does
17 not comply with 807 KAR Chapter 5.

18 Section 4. General Matters Pertaining to All Cases. (1) Address of the
19 commission. All communications shall be addressed to: Public Service Commission,
20 211 Sower Boulevard, Post Office Box 615, Frankfort, Kentucky 40602.

21 (2) Case numbers and styles. Each case shall receive a number and a style
22 descriptive of the subject matter. The number and style shall be placed on each
23 subsequent paper filed in the case.

1 (3) Signing of papers.

2 (a) A paper shall be signed by the submitting party or attorney and shall include
3 the name, address, telephone number, facsimile number, and electronic mail address, if
4 any, of the attorney of record or submitting party.

5 (b) A paper shall be verified or under oath if required by statute, administrative
6 regulation, or order of the commission.

7 (4) A person shall not file a paper on behalf of another person, or otherwise
8 represent another person, unless the person is an attorney licensed to practice law in
9 Kentucky or an attorney who has complied with SCR 3.030(2). An attorney who is not
10 licensed to practice law in Kentucky shall present evidence of his or her compliance with
11 SCR 3.030(2) if appearing before the commission.

12 (5) Amendments. Upon motion of a party and for good cause shown, the
13 commission shall allow a complaint, application, answer, or other paper to be amended
14 or corrected or an omission supplied. Unless the commission orders otherwise, the
15 amendment shall not relate back to the date of the original paper.

16 (6) Witnesses and subpoenas.

17 (a) Upon the written request of a party to a proceeding or commission staff,
18 subpoenas requiring the attendance of witnesses for the purpose of taking testimony
19 may be signed and issued by a member of the commission.

20 (b) Subpoenas for the production of books, accounts, documents, or records
21 (unless directed to issue by the commission on its own authority) may be issued by the
22 commission or a commissioner, upon written request, stating as nearly as possible the
23 books, accounts, documents, or records desired to be produced.

1 (c) A party shall submit a completed subpoena form with its written request as
2 necessary.

3 (d) Every subpoena shall be served, in the manner prescribed by subsection (8)
4 of this section, on a person whose information is being requested.

5 (e) Copies of all documents received in response to a subpoena shall be filed
6 with the commission and furnished to all other parties to the case, except on motion and
7 for good cause shown. Any other tangible evidence received in response to the
8 subpoena shall be made available for inspection by the commission and all other parties
9 to the action.

10 (7) Computation of time.

11 (a) In computing a period of time prescribed or allowed by order of the
12 commission or by 807 KAR Chapter 5 or KRS Chapter 74 or 278, the day of the act,
13 event, or default after which the designated period of time begins to run shall not be
14 included.

15 (b) The last day of the period so computed shall be included, unless it is a
16 Saturday, a Sunday, a legal holiday, or other day commission offices are legally closed,
17 in which event the period shall run until the end of the next day that is not a Saturday, a
18 Sunday, a legal holiday, or other day commission offices are legally closed.

19 (8) Service.

20 (a) Unless the commission orders service upon a party and the party's attorney,
21 service shall be made upon the party's attorney if the party is represented by an
22 attorney.

1 (b) Service upon an attorney or upon a party **by the commission** shall be made
2 by **sending a copy by electronic mail to the electronic mail address listed on**
3 **papers that the attorney or party has submitted in the case. A paper that is served**
4 **via electronic mail shall comply with Section 8(4) of this administrative regulation**
5 **and shall include the sending of an electronic mail message that contains an**
6 **electronic version of the commission order or a hyperlink that enables the**
7 **recipient to access, view, and download an electronic copy of the commission**
8 **order from the commission's Web site.**

9 **(c) If good cause exists, and upon the filing of a motion by a party to**
10 **excuse a party from receiving service by electronic mail from the commission,**
11 **the commission shall order service of papers on the party to be made in**
12 **accordance with paragraph (d)1. or 2. of this subsection.**

13 **(d) Service upon an attorney or upon a party by the parties in a case shall**
14 **be made by:**

15 1. Delivering a copy to the attorney or party;~~[or]~~

16 2. **Mailing a copy by United States mail or other recognized mail carrier to**
17 **the attorney or party at the last known address; or**

18 ~~3. Mailing a copy by United States mail or other recognized mail carrier to the~~
19 ~~attorney or party at the last known address; or~~

20 3.] Sending a copy by electronic **mail[means]** to the electronic mail address
21 listed on papers that the attorney or party has submitted in the case. A paper that is
22 served via electronic **mail[means]** shall comply with Section 8(4) of this administrative
23 regulation~~[and shall include the sending of an electronic mail message that~~

1 ~~contains an electronic version of the commission order or a hyperlink that~~
2 ~~enables the recipient to access, view, and download an electronic copy of the~~
3 ~~commission order from the commission's Web site].~~

4 ~~(e)[(c) If good cause exists to excuse the party from receiving a copy by~~
5 ~~electronic means, service of papers on the party shall be made by mailing a copy~~
6 ~~by United States mail or other recognized mail carrier to the attorney or party at~~
7 ~~the last known address.~~

8 ~~(d)]~~ Service shall be complete upon mailing or electronic transmission. If a
9 serving party learns that the mailing or electronic transmission did not reach the person
10 to be served, the serving party shall take reasonable steps to immediately re-serve the
11 party to be served, unless service is refused, in which case the serving party shall not
12 be required to take additional action.

13 (9) Filing.

14 (a) Unless electronic filing procedures established in Section 8 of this
15 administrative regulation are used, a paper shall not be deemed filed with the
16 commission until the paper:

17 1. [it]Is physically received by the executive director at the commission's offices
18 during the commission's official business hours; and

19 2. [and the paper]Meets all applicable requirements of KRS Chapter 278 and
20 KAR Title 807.

21 (b) The executive director shall endorse upon each paper or document accepted
22 for filing the date of its filing. The endorsement shall constitute the filing of the paper or
23 document.

1 (10) Privacy protection for filings.

2 (a) If a **person[party]** files a paper containing personal information, the
3 person[party] shall encrypt or redact the paper so that personal information cannot be
4 read. Personal information **shall include[includes]** an individual's first name or first
5 initial and last name; personal mark; or unique biometric or genetic print or image, in
6 combination with one (1) or more of the following data elements[an individual's Social
7 Security number, taxpayer identification number, birth date, or a financial account
8 number, the party shall redact the document so the following information cannot be
9 read]:

10 1. The digits of a[the] Social Security number or taxpayer identification number;

11 2. The month and date[day] of an individual's birth;[and]

12 3. The digits of an[the financial] account number, credit card number, or debit
13 card number that, in combination with any required security code, access code, or
14 password, would permit access to an account;

15 4. A driver's license number, state identification card number, or other individual
16 identification number issued by any agency;

17 5. A passport number or other identification number issued by the United States
18 government;[or]

19 6. "Individually identifiable health information" as defined by[in] 45 C.F.R. sec.
20 160.103, except for education records covered by the Family Educational Rights and
21 Privacy Act, as amended, 20 U.S.C. sec. 1232g; or

22 **7. Other individually identifiable contact information.**

1 (b) To redact the paper, the filing party shall replace the identifiers with neutral
2 placeholders or cover the identifiers with an indelible mark[,] that so obscures the
3 identifiers that **the identifiers[they]** cannot be read.

4 (c) ~~[Each party shall]~~The executive director shall not~~][be required to review a~~
5 ~~paper][papers][for compliance with this section.]~~ The responsibility to **review for**
6 **compliance with this section and** redact a paper~~[document]~~ shall rest with the party
7 that files the paper~~[document]~~.

8 (11) Intervention and parties.

9 (a) A person who wishes to become a party to a case before the commission
10 may, by timely motion, request leave to intervene.

11 **1.** The motion shall include the movant's full name, mailing address and
12 electronic mail address and shall state his or her interest in the case and how
13 intervention is likely to present issues or develop facts that will assist the commission in
14 fully considering the matter without unduly complicating or disrupting the proceedings.

15 **2.** The motion may include a request by movant for delivery of commission
16 orders by United States mail and shall state how good cause exists for that means of
17 delivery to movant.

18 (b) The commission shall grant a person leave to intervene if the commission
19 finds that he or she has made a timely motion for intervention and that he or she has a
20 special interest in the case that is not otherwise adequately represented or that his or
21 her intervention is likely to present issues or to develop facts that assist the commission
22 in fully considering the matter without unduly complicating or disrupting the proceedings.

1 (c) Unless electronic filing procedures established in Section 8 of this
2 administrative regulation are used in the case, a party shall serve a person granted
3 leave to intervene with all papers that the party submits in the case after the order
4 granting intervention, but **the party** is not required to provide any papers submitted prior
5 to the issuance of that order unless the commission otherwise orders.

6 (d) Unless the commission finds good cause to order otherwise, a person
7 granted leave to intervene in a case shall, as a condition of his or her intervention, be
8 subject to the procedural schedule in existence in that case when the order granting the
9 person's intervention is issued.

10 (e) A person who the commission has not granted leave to intervene in a case
11 may file written comments regarding the subject matter of the case.

12 **1.** These comments shall be filed in the case record.

13 **2.** A person filing written comments shall not be deemed a party to the
14 proceeding and need not be named as a party to an appeal.

15 (12) Requests for information.

16 (a) If permitted by administrative regulation or by order of the commission, a
17 party may in accordance with this section request information from another party to the
18 case. The requesting party shall serve its request upon the party from which it seeks the
19 requested information and shall also file its request with the commission.

20 (b) Commission staff, through the commission's executive director, may request
21 information from any party to a case on the commission's behalf.

1 (c) Unless otherwise established in administrative regulation, the commission
2 shall establish by order in a case the time for parties to issue and to respond to requests
3 for information.

4 (d) Responses to requests for information.

5 1. Responses to requests for information shall be appropriately bound, tabbed,
6 and indexed.

7 2. Each response shall:

8 a. Include the name of the witness responsible for responding to the questions
9 related to the information provided; and

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

15 3. If the requested information has previously been provided in the case, a
16 responding party may, in lieu of providing the requested information, provide a
17 reference to the specific location of the requested information in the case record.

18 4. A responding party shall make timely amendment to its prior response if **the**
19 **party[it]** obtains information **that[which]** indicates that the response was incorrect
20 when made or, though correct when made, is subsequently incorrect in any material
21 respect.

1 5. If a party served with a request for information fails or refuses to furnish all or
2 part of the requested information, the party shall provide a written explanation of the
3 specific grounds for **the[its]** failure to completely and precisely respond.

4 6. The responding party shall file with the commission the party's response to a
5 request for information and shall serve it upon all parties to a case.

6 (e) A party shall compel compliance with the party's request for information by
7 motion to the commission, which shall include:

8 1. A description of the information requested;

9 2. The reasons why it is relevant to the issues in the case; and

10 3. The efforts taken to resolve any disagreement over the production of the
11 requested information.

12 (13) Each report, specification, drawing, and plan that a professional engineer or
13 professional land surveyor prepared and that is filed with the commission shall contain
14 the seal or stamp and signature of that professional engineer or land surveyor in
15 accordance with KRS 322.340.

16 (14) Consolidation of cases.

17 (a) The commission may order two (2) or more proceedings involving a similar
18 question of law or fact to be consolidated **if[where]** rights of the parties or the public
19 interest will not be prejudiced.

20 (b) Upon ordering the consolidation of cases, the commission shall specify into
21 which case the other case shall be consolidated.

22 (c) All papers received after the order of consolidation has been issued shall be
23 filed in the record of the designated case.

1 (d) Papers filed prior to the order of consolidation shall remain in their respective
2 case files.

3 Section 5. Motion Practice. (1) All requests for relief that are not required to be
4 made in an application, petition, or written request shall be by motion. A motion shall
5 state precisely the relief requested.

6 (2) Unless the commission orders otherwise, a party to a case shall file a
7 response to a motion no later than seven (7) days from the date of filing of a motion.

8 (3) Unless the commission orders otherwise, a party shall file a reply no later
9 than five (5) days of the filing of the most recent response to the party's motion. The
10 reply shall be confined to points raised in the responses to which they are addressed,
11 and shall not reiterate an argument already presented.

12 Section 6. Proof of Service. (1) Except as provided in Section 8 of this
13 administrative regulation, all papers filed in a case shall contain proof of the date and
14 manner of service of the papers on all parties.

15 (2) Proof shall be made by certificate of the filer's attorney, by affidavit of the
16 person who served the papers, or by a comparable proof.

17 (3) The certificate or affidavit shall identify by name the person served and the
18 date and method of service.

19 (4) Proof of electronic service shall state the electronic notification address of the
20 person served.

21 Section 7. Filing Procedures. (1) Unless the commission orders otherwise or the
22 electronic filing procedures established in Section 8 of this administrative regulation are

1 used, if a paper is filed with the commission, an original unbound and ten (10) additional
2 copies in paper medium shall be filed.

3 (2) Each paper filed with the commission shall conform to the requirements
4 established in this subsection.

5 (a) Form. Each filing shall be printed or typewritten, double spaced, and on one
6 (1) side of the page only.

7 (b) Size. Each filing shall be on eight and one-half (8 1/2) inches by eleven (11)
8 inches paper.

9 (c) Font. Each filing shall be in type no smaller than twelve (12) point, except
10 footnotes, which may be in type no smaller than ten (10) point.

11 (3) Except as provided for in Section 8 of this administrative regulation, a filing
12 made with the commission outside its business hours shall be considered as filed on the
13 commission's next business day.

14 (4) A paper submitted by facsimile transmission shall not be accepted.

15 Section 8. Electronic Filing Procedures. (1) Upon an applicant's timely election of
16 the use of electronic filing procedures or upon order of the commission in a case that
17 the commission has initiated on its own motion, the procedures established in this
18 section shall be used in lieu of other filing procedures established in this administrative
19 regulation.

20 (2) At least seven (7) days prior to the submission of its application, an applicant
21 shall:

22 (a) File with the commission written notice of its election to use electronic filing
23 procedures using the Notice of Election of Use of Electronic Filing Procedures form; and

1 (b) If **the applicant[it]** does not have an account for electronic filing with the
2 commission, register for an account at <http://psc.ky.gov/Account/Register>.

3 (3) All papers shall be filed with the commission by uploading an electronic
4 version using the commission's E-Filing System at <http://psc.ky.gov>. In addition, the
5 filing party shall file one (1) copy in paper medium with the commission as required by
6 subsection (12)(a)2. of this section.

7 (4)(a) Audio or video files.

8 1. A file containing audio material shall be submitted in MP3 format.

9 2. A file containing video material shall be submitted in MPEG-4 format.

10 (b) Except as established in paragraph (a) of this subsection, each file in an
11 electronic submission shall be:

12 1. In portable document format;

13 2. Search-capable;

14 3. Optimized for viewing over the Internet;

15 4. Bookmarked to distinguish sections of the paper, except that documents filed
16 in response to requests for information need not be individually bookmarked; and

17 5. If scanned material, scanned at a resolution of 300 dots per inch.

18 (c) If, pursuant to Section 4(12) of this administrative regulation, a party is
19 requested to provide information in the form of an electronic spreadsheet, the file
20 containing the spreadsheet shall be submitted in an Excel spreadsheet format.

21 (5)(a) Each electronic submission shall include an introductory file in portable
22 document format that is named "Read1st" and that contains:

23 1. A general description of the filing;

1 2. A list of all material to be filed in paper or physical medium but not included in
2 the electronic submission; and

3 3. A statement that the materials in the electronic submission are a true
4 representation of the materials in paper medium.

5 (b) The "Read1st" file and any other material that normally contains a signature
6 shall contain a signature in the electronically submitted document.

7 (c) The electronic version of the cover letter accompanying the paper medium
8 filing may be substituted for a general description.

9 (6)(a) An uploading session shall not exceed twenty (20) files or 100 megabytes.

10 (b) An individual file shall not exceed thirty (30) megabytes.

11 (c) If a submission exceeds the limitations established in paragraph (a) [~~or (b)~~]of
12 this subsection, the filer shall make electronic submission in two (2) or more
13 consecutive uploading sessions.

14 (7) If filing a paper with the commission, the filing party shall certify that:

15 (a) The electronic version of the paper is a true and accurate copy of each paper
16 filed in paper medium;

17 (b) The electronic version of the paper has been submitted to the commission;
18 and

19 (c) A copy of the paper in paper medium has been mailed to all parties that the
20 commission has excused from electronic filing procedures.

21 (8)(a) Upon completion of an uploading session, the commission shall notify all
22 parties of record by electronic mail that an electronic submission has been made.

1 (b) Upon a party's receipt of this notification, each party shall be solely
2 responsible for accessing the commission's Web site at <http://psc.ky.gov> to view or
3 download the submission.

4 (9) Unless a party objects to the use of electronic filing procedures in the party's
5 motion for intervention, **the party[~~it~~]** shall:

6 (a) Be deemed to have consented to the use of electronic filing procedures and
7 the service of all papers, including orders of the commission, by electronic means; and

8 (b) File with the commission within seven (7) days of the date of an order of the
9 commission granting the party's intervention a written statement that[:

10 ~~1. The party waives any right to service of commission orders by United States~~
11 ~~mail; and~~

12 ~~2.] the party, or the party's authorized agent, possesses the facilities to receive~~
13 ~~electronic transmissions.~~

14 (10) In cases in which the commission has ordered the use of electronic filing
15 procedures on its own motion, unless a party files with the commission an objection to
16 the use of electronic filing procedures within seven (7) days of issuance of the order
17 directing the use of electronic filing procedures, the party shall:

18 (a) Be deemed to have consented to the use of electronic filing procedures and
19 the service of all papers, including orders of the commission, by electronic means; and

20 (b) File with the commission within seven (7) days of the date of an order
21 directing the use of electronic filing procedures a written statement that[:

22 ~~1. The party waives any right to service of commission orders by United States~~
23 ~~mail; and~~

1 2.] the party, or the party's authorized agent, possesses the facilities to receive
2 electronic transmissions.

3 (11) If a party objects to the use of electronic filing procedures and good cause
4 exists to excuse the party from the use of electronic filing procedures, service of papers
5 on and by it shall be made by mailing a copy by United States mail or other recognized
6 mail carrier to the attorney or party at the last known address~~[in accordance with~~
7 ~~Section 4(8) of this administrative regulation]~~.

8 (12)(a) A paper shall be considered timely filed with the commission if:

9 1. It has been successfully transmitted in electronic medium to the commission
10 within the time allowed for filing and meets all other requirements established in this
11 administrative regulation and any order of the commission; and

12 2. The paper, in paper medium, is filed at the commission's offices no later than
13 the second business day following the successful electronic transmission.

14 (b) Each party shall attach to the top of the paper medium submission a copy in
15 paper medium of the electronic notification from the commission confirming receipt of its
16 electronic submission.

17 (13) Except as established~~[expressly provided]~~ in this section, a party making
18 a filing in accordance with the procedures established in this section shall not be
19 required to comply with Section 4(8) of this administrative regulation.

20 Section 9. Hearings and Rehearings. (1) Unless a hearing is not required by
21 statute, is waived by the parties in the case, or is found by the commission to be
22 unnecessary for protection of substantial rights or not in the public interest, the
23 commission shall conduct a hearing if:

1 (a) An order to satisfy or answer a complaint has been made and the person
2 complained of has not satisfied the complaint~~[to the commission's satisfaction]~~; or

3 (b) A request for hearing has been made.

4 (2) Publication of notice.

5 (a) Upon the filing of an application, the commission may order an applicant to
6 give notice on all persons who may be affected by serving a copy of the application
7 upon those persons or by publishing notice of the filing.

8 1. The applicant shall bear the expense of providing the notice.

9 2. If the notice is provided by publication, the commission may designate the
10 contents of the notice, the number of times and the time period in which the notice shall
11 be published, and the newspaper in which the notice shall be published.

12 (b)1. The commission may order an applicant to give notice to the public of any
13 hearing on the applicant's application, and shall order an applicant for a general
14 adjustment of rates or reduction or discontinuance of service to give notice of any
15 hearing on its application.

16 2. If notice of a hearing is published by the applicant in a newspaper, it shall be
17 published at least one (1) time and not less than seven (7) nor more than twenty-one
18 (21) days prior to the hearing in a newspaper of general circulation in the areas that will
19 be affected.

20 3. Notice by mail shall be mailed not less than fourteen (14) days nor more than
21 twenty-one (21) days prior to the hearing.

22 4. Notice of hearing shall state the purpose, time, place, and date of hearing.

23 5. The applicant shall bear the expense of providing the notice.

1 6. Proof of publication shall be filed at or before the hearing.

2 (3) Investigation on commission's own motion.

3 **(a)** The commission may, on its own motion, conduct investigations and order
4 hearings into any act or thing done or omitted to be done by a utility, which the
5 commission believes is in violation of an order of the commission or KRS Chapters 74
6 or 278 or 807 KAR Chapter 5.

7 **(b)** The commission may~~[also]~~, through its own experts, ~~[or]~~employees, or
8 otherwise, obtain evidence the commission finds necessary or desirable in a formal
9 proceeding in addition to the evidence presented by the parties.

10 (4) Conferences with commission staff. The commission, on its own motion,
11 through its executive director or upon a motion of a party, may convene a conference in
12 a case for the purpose of considering the possibility of settlement, the simplification or
13 clarification of issues, or any other matter that may aid in the handling and disposition of
14 the case. Unless the commission directs otherwise or the parties otherwise agree,
15 participation in conferences with commission staff shall be limited to parties of the
16 subject proceeding and their representatives.

17 (5) Conduct of hearings. Hearings shall be conducted before the commission or a
18 commissioner or before a person designated by the commission to conduct a specific
19 hearing.

20 (6) Stipulation of facts. By a stipulation in writing filed with the commission, the
21 parties to a case may agree among themselves or with commission staff upon the facts
22 or any portion of the facts involved in the controversy, which stipulation shall be
23 regarded and used as evidence at the hearing.

1 (7) Testimony. All testimony given before the commission shall be given under
2 oath or affirmation.

3 (8) Objections and exceptions. A party objecting to the admission or exclusion of
4 evidence before the commission shall state the grounds for objection. Formal
5 exceptions shall not be necessary and shall not be taken to rulings on objection.

6 (9) Record of evidence.

7 (a) The commission shall cause to be made a record of all hearings. Unless the
8 commission orders otherwise, this record shall be a digital video recording.

9 1. A party to a case may, by motion made prior to the hearing, request that a
10 stenographic transcript be made by a qualified reporter.

11 2. The commission shall grant the motion.

12 3. The requesting party shall bear the cost of the stenographic transcript and
13 shall file a copy of the transcript with the commission within a reasonable time after
14 completion of the hearing.

15 (b) The executive director shall cause to be made a written exhibit list, a written
16 hearing log, and a written log listing the date and time of where each witness' testimony
17 begins and ends on the digital video recording.

18 (c) If a party introduces an exhibit that is neither a document nor a photograph,
19 the commission may direct a photograph of the exhibit be substituted for the exhibit.

20 Section 10. Briefs. Each brief shall be filed within the time fixed. A request for
21 extension of time to file a brief shall be made to the commission by written motion.

22 Section 11. Documentary Evidence. (1) If documentary evidence is offered, the
23 commission, in lieu of requiring the originals to be filed, may accept certified[] or

1 otherwise authenticated[,] copies of the documents or **relevant** portions~~[of the same~~
2 ~~as may be relevant]~~, or may require evidence to be entered as a part of the record.

3 (2)(a) If relevant and material matter offered in evidence by any party is **part**
4 ~~of[embraced in]~~ a book, paper, or document containing other matter not material or
5 relevant, the party shall plainly designate the matter so offered.

6 (b) If immaterial matter unnecessarily encumbers the record, the book, paper, or
7 document shall not be received in evidence, but may be described for identification, and
8 if properly authenticated, the relevant and material matter may be read into the record[,
9 ~~or if the commission, or commissioner conducting the hearing, so directs, a true~~
10 ~~copy of the matter in proper form shall be received as an exhibit, and like copies~~
11 ~~delivered by the parties offering same to opposing parties, or their attorneys,~~
12 ~~appearing at the hearing, who shall be offered the opportunity to examine the~~
13 ~~book, paper, or document, and to offer evidence in like manner other portions~~
14 ~~thereof if found to be material and relevant].~~

15 (3)(a) The sheets of each exhibit shall be numbered.

16 (b) If practical, the lines of each sheet shall also be numbered.

17 (c) If the exhibit consists of two (2) or more sheets, the first sheet or title page
18 shall contain a brief statement of what the exhibit purports to show, with reference by
19 sheet and line to illustrative or typical examples contained in the exhibit.

20 (d) Rate comparisons and other evidence shall be condensed into tables.

21 (4) **Unless so ordered by the commission**~~[Except as expressly permitted in~~
22 ~~particular instances]~~, the commission shall not receive in evidence or consider as a

1 part of the record a book, paper, or other document for consideration in connection with
2 the proceeding after the close of the testimony.

3 (5) Upon motion of a party to a proceeding, or upon the commission's own
4 motion, the record of a case in the commission's files or any document on file with the
5 commission may be made a part of the record. A record of the type established in
6 this subsection shall be by "reference only."

7 ~~[(a) The case or document made a part of the record by reference only shall~~
8 ~~not be physically incorporated into the record.~~

9 ~~(b) Upon action in the Franklin Circuit Court, excerpts from the record of a~~
10 ~~case or part of a document may be made a part of the record before the court, at~~
11 ~~the request of a party.]~~

12 Section 12. Financial Exhibit. (1) If this administrative regulation requires that a
13 financial exhibit be annexed to the application, the exhibit shall:

14 (a) For a utility that had \$5,000,000 or more in gross annual revenue in the
15 immediate past calendar year, cover operations for a twelve (12) month period, the
16 period ending not more than ninety (90) days prior to the date the application is filed; or

17 (b) For a utility that had less than \$5,000,000 in gross annual revenue in the
18 immediate past calendar year, comply with paragraph (a) of this subsection or cover
19 operations for the twelve (12) month period contained in the utility's most recent annual
20 report on file with the commission, and contain a statement that:

21 1. Material changes have not occurred since the end of that twelve (12) month
22 period; or

1 2. Identifies all material changes that have occurred since the end of that twelve
2 (12) month period.

3 (2) The exhibit shall disclose the following information in the order indicated:

4 (a) **The** amount and kinds of stock authorized;

5 (b) **The** amount and kinds of stock issued and outstanding;

6 (c) Terms of preference of preferred stock, cumulative or participating, or on
7 dividends or assets or otherwise;

8 (d) A brief description of each mortgage on property of applicant, giving date of
9 execution, name of mortgagor, name of mortgagee or trustee, amount of indebtedness
10 authorized to be secured, and the amount of indebtedness actually secured, together
11 with sinking fund provisions, if applicable;

12 (e) **The** amount of bonds authorized and amount issued, giving the name of the
13 public utility that issued the same, describing each class separately and giving the date
14 of issue, face value, rate of interest, date of maturity, and how secured, together with
15 amount of interest paid during the last fiscal year;

16 (f) Each note outstanding, giving date of issue, amount, date of maturity, rate of
17 interest, in whose favor, together with amount of interest paid during the last fiscal year;

18 (g) Other indebtedness, giving same by classes and describing security, if any,
19 with a brief statement of the devolution or assumption of a portion of the indebtedness
20 upon or by person or corporation if the original liability has been transferred, together
21 with amount of interest paid during the last fiscal year;

22 (h) **The** rate and amount of dividends paid during the five (5) previous fiscal
23 years, and the amount of capital stock on which dividends were paid each year; and

1 (i) A detailed income statement and balance sheet.

2 Section 13. Confidential Material. (1) All material on file with the commission shall
3 be available for examination by the public unless the material is confidential.

4 (2) Procedure for determining confidentiality of material submitted in a case.

5 (a) A request for confidential treatment of material shall be made by motion that:

6 1. Establishes specific grounds pursuant to KRS 61.878, upon which the
7 commission should classify that material as confidential;

8 2. States the time period in which the material should be treated as confidential
9 and the reasons for this time period; and

10 3. Includes ten (10) copies of the material in paper medium with those portions
11 **redacted[obscured]** for which confidentiality is sought, and, in a separate sealed
12 envelope marked confidential, one (1) copy of the material in paper medium which
13 identifies by underscoring, highlighting with transparent ink, or other reasonable means
14 only those portions **that[which]** unless redacted would disclose confidential material.

15 **a.** Text pages or portions thereof that do not contain confidential material shall
16 not be included in this identification.

17 **b.** If confidential treatment is sought for an entire document, written notification
18 that the entire document is confidential may be filed with the document in lieu of the
19 required highlighting.

20 (b) The motion and one (1) copy of the material in paper medium, with only those
21 portions for which confidentiality is sought redacted, shall be served on all parties.

22 (c) The burden of proof to show that the material falls within the exclusions from
23 disclosure requirements **established[enumerated]** in KRS 61.878 and to demonstrate

1 the time period for which the material should be considered as confidential shall be
2 upon the moving party.

3 (d) Unless the commission orders otherwise, a party may respond to a motion for
4 confidential treatment within seven (7) days after **the motion[~~it~~]** is filed with the
5 commission.

6 (e) If the case is being conducted using electronic filing procedures established in
7 Section 8 of this administrative regulation, the parties shall comply with those
8 procedures except that an **unredacted[unobscured]** copy of the material for which
9 confidentiality is sought shall not be transmitted electronically.

10 (3) Procedure for determining confidentiality of material submitted outside of a
11 case.

12 (a) A person who requests confidential treatment of material filed with the
13 commission outside of a case shall submit a written request to the executive director
14 that:

15 1. Establishes specific grounds upon which the material should be classified as
16 confidential;

17 2. States the time period in which the material should be treated as confidential
18 and the reasons for this time period; and

19 3. Includes one (1) copy of the material in paper medium with those portions
20 redacted for which confidentiality is sought, and, in a separate sealed envelope marked
21 confidential, one (1) copy of the material in paper medium which identifies by
22 underscoring, highlighting with transparent ink, or other reasonable means only those
23 portions **that[which]** unless redacted would disclose confidential material.

1 **a.** Text pages or portions thereof ~~that~~**[which]** do not contain confidential material
2 shall not be included in this identification.

3 **b.** If confidential treatment is sought for an entire document, written notification
4 that the entire document is confidential may be filed with the document in lieu of the
5 required highlighting.

6 (b) The burden of proof to show that the material falls within the exclusions from
7 disclosure requirements established in KRS 61.878 and to demonstrate the time period
8 for which the material should be considered as confidential shall be upon the person
9 requesting confidential treatment.

10 (c) The executive director, as official custodian of the commission's records, shall
11 determine if the material is within an exclusion established in KRS 61.878 and the time
12 period for which the material should be considered as confidential and shall advise the
13 requestor of ~~the~~**[his or her]** determination by letter.

14 (d) A person whose request for confidential treatment is denied, in whole or in
15 part, by the executive director may make application within twenty (20) days of the
16 executive director's decision to the commission for confidential treatment of the material
17 in accordance with the procedures established in subsection (2) of this section.

18 **1.** The commission shall establish a case and shall review the application without
19 regard to the executive director's determination and in the same manner as it would
20 review a motion for confidential treatment made pursuant to subsection (2) of this
21 section.

22 **2.** The application shall comply with the requirements of subsection (2)(a) of this
23 section.

1 (e) If the executive director denies a request for confidential treatment, the
2 material for which confidential treatment was sought shall not be placed in the public
3 record for twenty (20) days following ~~the~~his or her decision.

4 (4) Pending action by the commission on a motion for confidential treatment or by
5 its executive director on a request for confidential treatment, the material specifically
6 identified shall be accorded confidential treatment.

7 (5) If the motion for confidential treatment of material is denied, the material shall
8 not be placed in the public record for the period permitted pursuant to KRS 278.410 to
9 bring an action for review.

10 (6) Procedure for a party to request access to confidential material filed in a case.

11 (a) A party to a case before the commission shall not fail to respond to a request
12 for information by the commission, commission staff, or another party on grounds of
13 confidentiality.

14 1. A party seeking confidential treatment for its response to information requests
15 shall follow the procedures for requesting confidentiality established in this
16 administrative regulation.

17 2. A party's response to requests for information shall be served upon all parties,
18 with only those portions for which confidential treatment is sought redacted.

19 (b) If the commission grants confidential protection to the responsive material
20 and if parties have not entered into protective agreements, then a party may, by motion,
21 request access to the material on the grounds that it is essential to the party's
22 meaningful participation in the proceeding.

1 1. The motion shall include a description of efforts to enter into a protective
2 agreement and unwillingness, if applicable, to enter into a protective agreement shall be
3 fully explained.

4 2. A party may respond to the motion within seven (7) days after it is filed with the
5 commission.

6 3. The commission shall determine if the movant is entitled to the material, and
7 the manner and extent of the disclosure necessary to protect confidentiality.

8 (7) Requests for access to records pursuant to KRS 61.870 to 61.884.

9 **(a)** A time period prescribed in subsection (10)(a) of this section shall not limit the
10 right of a person to request access to commission records pursuant to KRS 61.870 to
11 61.884.

12 **(b)** Upon a request filed pursuant to KRS 61.870 to 61.884, the commission shall
13 respond in accordance with the procedure established in KRS 61.880.

14 (8) Procedure for request for access to confidential material. A person denied
15 access to records requested pursuant to KRS 61.870 to 61.884 or to material deemed
16 confidential by the commission in accordance with the procedures established in this
17 section, may obtain this information only pursuant to KRS 61.870 to 61.884 and other
18 applicable law.

19 (9) Use of confidential material. (a) A person who files any paper that contains
20 material that has previously been deemed confidential or for which a request or motion
21 for confidential treatment is pending shall submit one (1) copy of the paper with the
22 adjudged or alleged confidential material underscored or highlighted, and ten (10)
23 copies of the paper with those portions redacted; and

1 1. If the confidential status of the material has been determined previously, a
2 written notice identifying the person who originally submitted the material, the date on
3 which a determination on the materials confidentiality was made and, if applicable, the
4 case number in which the determination was made; or

5 2. If a request for confidential treatment of the material is pending, a written
6 notice identifying the person who made the request and the date on which the request
7 was submitted.

8 (b) Material deemed confidential by the commission may be addressed and
9 relied upon during a formal hearing by the procedure established in this paragraph.

10 1. The party seeking to address the confidential material shall advise the
11 commission prior to the use of the material.

12 2. A person other than commission employees not a party to a protective
13 agreement related to the confidential material shall be excluded from the hearing room
14 during testimony directly related to confidential material.

15 3. Any portion of the record directly related to the confidential material shall be
16 sealed.

17 (10) Material granted confidentiality that later becomes publicly available or
18 otherwise no longer warrants confidential treatment.

19 (a) Except as provided for in paragraphs (c) and (d) of this subsection,
20 confidential treatment shall be afforded to material for the period specified in the
21 commission's order or executive director's written decision.

22 1. At the end of this period, the material shall be placed in the public record
23 without notice to the person who originally requested confidential treatment.

1 **2.** The person who sought confidential treatment for the material may request
2 that the material continue to be treated as confidential but shall demonstrate that the
3 material still falls within the exclusions from disclosure requirements established in KRS
4 61.878.

5 (b) The person who sought confidential protection shall inform the commission in
6 writing if material granted confidentiality becomes publicly available.

7 (c) If the commission becomes aware that material granted confidentiality is
8 publicly available or otherwise no longer qualifies for confidential treatment, it shall by
9 order so advise the person who sought confidential protection, giving ten (10) days to
10 respond. If that material has been disclosed by someone other than the person who
11 requested confidential treatment, in violation of a protective agreement or commission
12 order, the information shall not be deemed ~~[or considered]~~ to be publicly available and
13 shall not be placed in the public record.

14 (d) If a request to inspect material granted confidential treatment is made during
15 the period specified in the commission's order or executive director's written decision,
16 the commission shall notify in writing the person who originally sought confidential
17 treatment for the material and direct that party[him] to demonstrate within twenty (20)
18 days of [his] receipt of the notice that the material still falls within the exclusions from
19 disclosure requirements established in KRS 61.878.

20 **1. If the party[If he]** is unable to make the demonstration, the commission shall
21 make the requested materials available for public inspection; **or**

22 **2.[-Otherwise,]** The commission shall deny the request for inspection.

1 (e) The material shall not be placed in the public record for twenty (20) days
2 following an order finding that the material no longer qualifies for confidential treatment
3 to allow the petitioner to seek a remedy afforded by law.

4 Section 14. Applications. (1) Each application shall state the full name, mailing
5 address, and electronic mail address of the applicant, and shall contain fully the facts on
6 which the application is based, with a request for the order, authorization, permission, or
7 certificate desired and a reference to the particular law requiring or providing for **the**
8 **information[same]**.

9 (2) If a corporation, the applicant shall identify in the application the state in which
10 it is incorporated and the date of its incorporation, attest that it is currently in good
11 standing in the state in which it is incorporated, and, if it is not a Kentucky corporation,
12 state **if[whether]** it is authorized to transact business in Kentucky.

13 (3) If a limited liability company, the applicant shall identify in the application the
14 state in which it is organized and the date on which it was organized, attest that it is in
15 good standing in the state in which it is organized, and, if it is not a Kentucky limited
16 liability company, state **if[whether]** it is authorized to transact business in Kentucky.

17 (4) If the applicant is a limited partnership, a certified copy of its limited
18 partnership agreement and all amendments, if any, shall be annexed to the application,
19 or a written statement attesting that its partnership agreement and all amendments have
20 been filed with the commission in a prior proceeding and referencing the case number
21 of the prior proceeding.

22 Section 15. Applications for Certificates of Public Convenience and Necessity. (1)
23 Application to bid on a franchise pursuant to KRS 278.020(3).

1 (a) Upon application to the commission by the utility for a certificate of
2 convenience and necessity authorizing the applicant to bid on a franchise, license, or
3 permit offered by a governmental agency, the applicant shall submit with its application:

4 1. The information required pursuant to Section 14 of this administrative
5 regulation;

6 2. The name of the governmental agency offering the franchise;

7 3. The type of franchise offered; and

8 4. A statement showing the need and demand for service.

9 (b) If an applicant is successful in acquiring the franchise, license, or permit, the
10 applicant shall file a copy with the commission using the commission's electronic tariff
11 filing system.

12 (2) New construction or extension. Upon application for a certificate that the
13 present or future public convenience or necessity requires, or will require, the
14 construction or extension of any plant, equipment, property, or facility, the applicant, in
15 addition to complying with Section 14 of this administrative regulation, shall submit with
16 its application:

17 (a) The facts relied upon to show that the proposed construction or extension is
18 or will be required by public convenience or necessity;

19 (b) Copies of franchises or permits, if any, from the proper public authority for the
20 proposed construction or extension, if not previously filed with the commission;

21 (c) A full description of the proposed location, route, or routes of the proposed
22 construction or extension, including a description of the manner **of the construction**[in

1 ~~which same will be constructed,]~~ and the names of all public utilities, corporations, or
2 persons with whom the proposed construction or extension is likely to compete;

3 (d) One (1) copy in portable document format on electronic storage medium and
4 two (2) copies in paper medium of:

5 1. Maps to suitable scale showing the location or route of the proposed
6 construction or extension, as well as the location to scale of like facilities owned by
7 others located anywhere within the map area with adequate identification as to the
8 ownership of the other facilities; and

9 2. Plans and specifications and drawings of the proposed plant, equipment, and
10 facilities;

11 (e) The manner in detail in which the applicant proposes to finance the proposed
12 construction or extension; and

13 (f) An estimated annual cost of operation after the proposed facilities are placed
14 into service.

15 (3) Extensions in the ordinary course of business. A certificate of public
16 convenience and necessity shall not be required for extensions that do not create
17 wasteful duplication of plant, equipment, property, or facilities, or conflict with the
18 existing certificates or service of other utilities operating in the same area and under the
19 jurisdiction of the commission that are in the general or contiguous area in which the
20 utility renders service, and that do not involve sufficient capital outlay to materially affect
21 the existing financial condition of the utility involved, or will not result in increased
22 charges to its customers.

1 (4) Renewal applications. An application for a renewal of a certificate of
2 convenience and necessity shall be treated as an original application.

3 Section 16. Applications for General Adjustments of Existing Rates. (1) Each
4 application requesting a general adjustment of existing rates shall:

5 (a) Be supported by:

6 1. A twelve (12) month historical test period that may include adjustments for
7 known and measurable changes; or

8 2. A fully forecasted test period; and

9 (b) Include:

10 1. A statement of the reason the adjustment is required;

11 2. A certified copy of a certificate of assumed name as required by KRS 365.015
12 or a statement that a certificate is not necessary;

13 3. New or revised tariff sheets, if applicable in a format that complies with 807
14 KAR 5:011 with an effective date not less than thirty (30) days from the date the
15 application is filed;

16 4. New or revised tariff sheets, if applicable, identified in compliance with 807
17 KAR 5:011, shown either by providing:

18 a. The present and proposed tariffs in comparative form on the same sheet side
19 by side or on facing sheets side by side; or

20 b. A copy of the present tariff indicating proposed additions by italicized inserts or
21 underscoring and striking over proposed deletions; and

22 5. A statement that notice has been given in compliance with Section 17 of this
23 administrative regulation with a copy of the notice[; ~~and~~

1 ~~6. If a water district proposes to increase any current rate for service or~~
2 ~~implement a new rate for service, a statement from an authorized official of the district~~
3 ~~indicating the date the proposed rate increase or new rate was reported to the~~
4 ~~governing body of the county in which the largest number of its customers resides and~~
5 ~~the date it presented testimony, or is scheduled to present testimony, to that governing~~
6 ~~body].~~

7 (2) Notice of intent. A utility with gross annual revenues greater than \$5,000,000
8 shall notify the commission in writing of its intent to file a rate application at least thirty
9 (30) days, but not more than sixty (60) days, prior to filing its application.

10 (a) The notice of intent shall state if the rate application will be supported by a
11 historical test period or a fully forecasted test period.

12 (b) Upon filing the notice of intent, an application may be made to the
13 commission for permission to use an abbreviated form of newspaper notice of proposed
14 rate increases provided the notice includes a coupon that may be used to obtain a copy
15 from the applicant of the full schedule of increases or rate changes.

16 (c) Upon filing the notice of intent with the commission, the applicant shall mail to
17 the Attorney General's Office of Rate Intervention a copy of the notice of intent or send
18 by electronic mail in a portable document format, to rateintervention@ag.ky.gov.

19 (3) Notice given pursuant to Section 17 of this administrative regulation shall
20 satisfy the requirements of 807 KAR 5:051, Section 2.

21 (4) Each application supported by a historical test period shall include the
22 following information or a statement explaining why the required information does not
23 exist and is not applicable to the utility's application:

1 (a) A complete description and quantified explanation for all proposed
2 adjustments with proper support for proposed changes in price or activity levels, if
3 applicable, and other factors that may affect the adjustment;

4 (b) If the utility has gross annual revenues greater than \$5,000,000, the written
5 testimony of each witness the utility proposes to use to support its application;

6 (c) If the utility has gross annual revenues less than \$5,000,000 the written
7 testimony of each witness the utility proposes to use to support its application or a
8 statement that the utility does not plan to submit written testimony;

9 (d) A statement estimating the effect that each new rate will have upon the
10 revenues of the utility including, at minimum, the total amount of revenues resulting from
11 the increase or decrease and the percentage of the increase or decrease;

12 (e) If the utility provides electric, gas, water, or sewer service, the effect upon the
13 average bill for each customer classification to which the proposed rate change will
14 apply;

15 (f) If the utility is an incumbent local exchange company, the effect upon the
16 average bill for each customer class for the proposed rate change in basic local service;

17 (g) A detailed analysis of customers' bills whereby revenues from the present and
18 proposed rates can be readily determined for each customer class;

19 (h) A summary of the utility's determination of its revenue requirements based on
20 return on net investment rate base, return on capitalization, interest coverage, debt
21 service coverage, or operating ratio, with supporting schedules;

22 (i) A reconciliation of the rate base and capital used to determine its revenue
23 requirements;

1 (j) A current chart of accounts if more detailed than the Uniform System of
2 Accounts [~~prescribed by the commission~~];

3 (k) The independent auditor's annual opinion report, with written communication
4 from the independent auditor to the utility, if applicable, which indicates the existence of
5 a material weakness in the utility's internal controls;

6 (l) The most recent Federal Energy Regulatory Commission or Federal
7 Communication Commission audit reports;

8 (m) The most recent Federal Energy Regulatory Commission Form 1 (electric),
9 Federal Energy Regulatory Commission Form 2 (gas), or Public Service Commission
10 Form T (telephone);

11 (n) A summary of the utility's latest depreciation study with schedules by major
12 plant accounts, except that telecommunications utilities that have adopted the
13 commission's average depreciation rates shall provide a schedule that identifies the
14 current and test period depreciation rates used by major plant accounts. If the required
15 information has been filed in another commission case, a reference to that case's
16 number shall be sufficient;

17 (o) A list of all commercially available or in-house developed computer software,
18 programs, and models used in the development of the schedules and work papers
19 associated with the filing of the utility's application. This list shall include:

20 1. Each software, program, or model;

21 2. What the software, program, or model was used for;

22 3. [~~identify~~] The supplier of each software, program, or model;

23 4. A brief description of the software, program, or model; and

1 **5.** The specifications for the computer hardware and the operating system
2 required to run the program;

3 (p) Prospectuses of the most recent stock or bond offerings;

4 (q) **The** annual report to shareholders^[,] or members^[,] and statistical
5 supplements covering the two (2) most recent years from the utility's application filing
6 date;

7 (r) The monthly managerial reports providing financial results of operations for
8 the twelve (12) months in the test period;

9 (s) A copy of the utility's annual report on Form 10-K as filed with the Securities
10 and Exchange Commission for the most recent two (2) years, any Form 8-K issued
11 during the past two (2) years, and any Form 10-Q issued during the past six (6) quarters
12 updated as current information becomes available;

13 (t) If the utility had amounts charged or allocated to it by an affiliate or general or
14 home office or paid monies to an affiliate or general or home office during the test
15 period or during the previous three (3) calendar years, the utility shall file:

16 1. A detailed description of the method and amounts allocated or charged to the
17 utility by the affiliate or general or home office for each charge allocation or payment;

18 2. An explanation of how the allocator for the test period was determined; and

19 3. All facts relied upon, including other regulatory approval, to demonstrate that
20 each amount charged, allocated, or paid during the test period was reasonable;

21 (u) If the utility provides gas, electric, water, or sewage utility service and has
22 annual gross revenues greater than \$5,000,000, a cost of service study based on a

1 methodology generally accepted within the industry and based on current and reliable
2 data from a single time period; and

3 (v) Incumbent local exchange carriers with fewer than 50,000 access lines shall
4 not be required to file cost of service studies, except as **[specifically]** directed by the
5 commission. Local exchange carriers with more than 50,000 access lines shall file:

6 1. A jurisdictional separations study consistent with 47 C.F.R. Part 36; and
7 2. Service specific cost studies to support the pricing of all services that generate
8 annual revenue greater than \$1,000,000 except local exchange access:

9 a. Based on current and reliable data from a single time period; and
10 b. Using generally recognized fully allocated, embedded, or incremental cost
11 principles.

12 (5) Upon good cause shown, a utility may request pro forma adjustments for
13 known and measurable changes to ensure fair, just, and reasonable rates based on the
14 historical test period. The following information shall be filed with each application
15 requesting pro forma adjustments or a statement explaining why the required
16 information does not exist and is not applicable to the utility's application:

17 (a) A detailed income statement and balance sheet reflecting the impact of all
18 proposed adjustments;

19 (b) The most recent capital construction budget containing at least the period of
20 time as proposed for any pro forma adjustment for plant additions;

21 (c) For each proposed pro forma adjustment reflecting plant additions,
22 **[provide]** the following information:

23 1. The starting date of the construction of each major component of plant;

- 1 2. The proposed in-service date;
- 2 3. The total estimated cost of construction at completion;
- 3 4. The amount contained in construction work in progress at the end of the test
- 4 period;
- 5 5. A schedule containing a complete description of actual plant retirements and
- 6 anticipated plant retirements related to the pro forma plant additions including the actual
- 7 or anticipated date of retirement;
- 8 6. The original cost and the cost of removal and salvage for each component of
- 9 plant to be retired during the period of the proposed pro forma adjustment for plant
- 10 additions;
- 11 7. An explanation of differences, if applicable, in the amounts contained in the
- 12 capital construction budget and the amounts of capital construction cost contained in
- 13 the pro forma adjustment period; and
- 14 8. The impact on depreciation expense of all proposed pro forma adjustments for
- 15 plant additions and retirements;
- 16 (d) The operating budget for each month of the period encompassing the pro
- 17 forma adjustments; and
- 18 (e) The number of customers to be added to the test period end level of
- 19 customers and the related revenue requirements impact for all pro forma adjustments
- 20 with complete details and supporting work papers.
- 21 (6) All applications requesting a general adjustment in rates supported by a fully
- 22 forecasted test period shall comply with the requirements established in this subsection.

1 (a) The financial data for the forecasted period shall be presented in the form of
2 pro forma adjustments to the base period.

3 (b) Forecasted adjustments shall be limited to the twelve (12) months
4 immediately following the suspension period.

5 (c) Capitalization and net investment rate base shall be based on a thirteen (13)
6 month average for the forecasted period.

7 (d) After an application based on a forecasted test period is filed, there shall be
8 no revisions to the forecast, except for the correction of mathematical errors, unless the
9 revisions reflect statutory or regulatory enactments that could not, with reasonable
10 diligence, have been included in the forecast on the date it was filed. There shall be no
11 revisions filed within thirty (30) days of a scheduled hearing on the rate application.

12 (e) The commission may require the utility to prepare an alternative forecast
13 based on a reasonable number of changes in the variables, assumptions, and other
14 factors used as the basis for the utility's forecast.

15 (f) The utility shall provide a reconciliation of the rate base and capital used to
16 determine its revenue requirements.

17 (7) Each application requesting a general adjustment in rates supported by a fully
18 forecasted test period shall include the following or a statement explaining why the
19 required information does not exist and is not applicable to the utility's application:

20 (a) The written testimony of each witness the utility proposes to use to support its
21 application, which shall include testimony from the utility's chief officer in charge of
22 Kentucky operations on the existing programs to achieve improvements in efficiency
23 and productivity, including an explanation of the purpose of the program;

1 (b) The utility's most recent capital construction budget containing at a minimum
2 a three (3) year forecast of construction expenditures;

3 (c) A complete description, which may be filed in written testimony form, of all
4 factors used in preparing the utility's forecast period. All econometric models, variables,
5 assumptions, escalation factors, contingency provisions, and changes in activity levels
6 shall be quantified, explained, and properly supported;

7 (d) The utility's annual and monthly budget for the twelve (12) months preceding
8 the filing date, the base period, and forecasted period;

9 (e) A statement of attestation signed by the utility's chief officer in charge of
10 Kentucky operations, which shall provide:

11 1. That the forecast is reasonable, reliable, made in good faith, and that all basic
12 assumptions used in the forecast have been identified and justified;

13 2. That the forecast contains the same assumptions and methodologies as used
14 in the forecast prepared for use by management, or an identification and explanation for
15 differences that exist, if applicable; and

16 3. That productivity and efficiency gains are included in the forecast;

17 (f) For each major construction project that constitutes five (5) percent or more of
18 the annual construction budget within the three (3) year forecast, the following
19 information shall be filed:

20 1. The date the project was started or estimated starting date;

21 2. The estimated completion date;

1 3. The total estimated cost of construction by year exclusive and inclusive of
2 allowance for funds used during construction ("AFUDC") or interest during construction
3 credit; and

4 4. The most recent available total costs incurred exclusive and inclusive of
5 AFUDC or interest during construction credit;

6 (g) For all construction projects that constitute less than five (5) percent of the
7 annual construction budget within the three (3) year forecast, the utility shall file an
8 aggregate of the information requested in paragraph (f)3 and 4 of this subsection;

9 (h) A financial forecast corresponding to each of the three (3) forecasted years
10 included in the capital construction budget. The financial forecast shall be supported by
11 the underlying assumptions made in projecting the results of operations and shall
12 include the following information:

13 1. Operating income statement (exclusive of dividends per share or earnings per
14 share);

15 2. Balance sheet;

16 3. Statement of cash flows;

17 4. Revenue requirements necessary to support the forecasted rate of return;

18 5. Load forecast including energy and demand (electric);

19 6. Access line forecast (telephone);

20 7. Mix of generation (electric);

21 8. Mix of gas supply (gas);

22 9. Employee level;

23 10. Labor cost changes;

- 1 11. Capital structure requirements;
- 2 12. Rate base;
- 3 13. Gallons of water projected to be sold (water);
- 4 14. Customer forecast (gas, water);
- 5 15. Sales volume forecasts in [-]cubic feet (gas);
- 6 16. Toll and access forecast of number of calls and number of minutes
- 7 (telephone); and
- 8 17. A detailed explanation of other information provided, if applicable;
- 9 (i) The most recent Federal Energy Regulatory Commission or Federal
- 10 Communications Commission audit reports;
- 11 (j) The prospectuses of the most recent stock or bond offerings;
- 12 (k) The most recent Federal Energy Regulatory Commission Form 1 (electric),
- 13 Federal Energy Regulatory Commission Form 2 (gas), or Public Service Commission
- 14 Form T (telephone);
- 15 (l) The annual report to shareholders or members and the statistical supplements
- 16 covering the most recent two (2) years from the application filing date;
- 17 (m) The current chart of accounts if more detailed than the Uniform System of
- 18 Accounts chart~~[prescribed by the commission]~~;
- 19 (n) The latest twelve (12) months of the monthly managerial reports providing
- 20 financial results of operations in comparison to the forecast;
- 21 (o) Complete monthly budget variance reports, with narrative explanations, for
- 22 the twelve (12) months immediately prior to the base period, each month of the base
- 23 period, and any subsequent months, as they become available;

1 (p) A copy of the utility's annual report on Form 10-K as filed with the Securities
2 and Exchange Commission for the most recent two (2) years, and any Form 8-K issued
3 during the past two (2) years, and any Form 10-Q issued during the past six (6)
4 quarters;

5 (q) The independent auditor's annual opinion report, with any written
6 communication from the independent auditor to the utility that indicates the existence of
7 a material weakness in the utility's internal controls;

8 (r) The quarterly reports to the stockholders for the most recent five (5) quarters;

9 (s) The summary of the latest depreciation study with schedules itemized by
10 major plant accounts, except that telecommunications utilities that have adopted the
11 commission's average depreciation rates shall provide a schedule that identifies the
12 current and base period depreciation rates used by major plant accounts. If the required
13 information has been filed in another commission case, a reference to that case's
14 number shall be sufficient;

15 (t) A list of all commercially available or in-house developed computer software,
16 programs, and models used in the development of the schedules and work papers
17 associated with the filing of the utility's application. This list shall include:

18 **1.** Each software, program, or model;

19 **2.** What the software, program, or model was used for;

20 **3.** **[identify]** The supplier of each software, program, or model;

21 **4.** A brief description of the software, program, or model; **and**

22 **5.** The specifications for the computer hardware and the operating system
23 required to run the program;

1 (u) If the utility had amounts charged or allocated to it by an affiliate or a general
2 or home office or paid monies to an affiliate or a general or home office during the base
3 period or during the previous three (3) calendar years, the utility shall file:

4 1. A detailed description of the method and amounts allocated or charged to the
5 utility by the affiliate or general or home office for each allocation or payment;

6 2. The method and amounts allocated during the base period and the method
7 and estimated amounts to be allocated during the forecasted test period;

8 3. An explanation of how the allocator for both the base period and the
9 forecasted test period were determined; and

10 4. All facts relied upon, including other regulatory approval, to demonstrate that
11 each amount charged, allocated, or paid during the base period is reasonable;

12 (v) If the utility provides gas, electric, sewage, or water utility service and has
13 annual gross revenues greater than \$5,000,000 in the division for which a rate
14 adjustment is sought, a cost of service study based on a methodology generally
15 accepted within the industry and based on current and reliable data from a single time
16 period; and

17 (w) Incumbent local exchange carriers with fewer than 50,000 access lines shall
18 not be required to file cost of service studies, except as **[specifically]** directed by the
19 commission. Local exchange carriers with more than 50,000 access lines shall file:

20 1. A jurisdictional separations study consistent with 47 C.F.R. Part 36; and

21 2. Service specific cost studies to support the pricing of all services that generate
22 annual revenue greater than \$1,000,000 except local exchange access:

23 a. Based on current and reliable data from a single time period; and

1 b. Using generally recognized fully allocated, embedded, or incremental cost
2 principles.

3 (8) Each application seeking a general adjustment in rates supported by a
4 forecasted test period shall include:

5 (a) A jurisdictional financial summary for both the base period and the forecasted
6 period that details how the utility derived the amount of the requested revenue increase;

7 (b) A jurisdictional rate base summary for both the base period and the
8 forecasted period with supporting schedules, which include detailed analyses of each
9 component of the rate base;

10 (c) A jurisdictional operating income summary for both the base period and the
11 forecasted period with supporting schedules, which provide breakdowns by major
12 account group and by individual account;

13 (d) A summary of jurisdictional adjustments to operating income by major
14 account with supporting schedules for individual adjustments and jurisdictional factors;

15 (e) A jurisdictional federal and state income tax summary for both the base
16 period and the forecasted period with all supporting schedules of the various
17 components of jurisdictional income taxes;

18 (f) Summary schedules for both the base period and the forecasted period (the
19 utility may also provide a summary segregating those items it proposes to recover in
20 rates) of organization membership dues; initiation fees; expenditures at country clubs;
21 charitable contributions; marketing, sales, and advertising expenditures; professional
22 service expenses; civic and political activity expenses; expenditures for employee
23 parties and outings; employee gift expenses; and rate case expenses;

1 (g) Analyses of payroll costs including schedules for wages and salaries,
2 employee benefits, payroll taxes, straight time and overtime hours, and executive
3 compensation by title;

4 (h) A computation of the gross revenue conversion factor for the forecasted
5 period;

6 (i) Comparative income statements (exclusive of dividends per share or earnings
7 per share), revenue statistics and sales statistics for the five (5) most recent calendar
8 years from the application filing date, the base period, the forecasted period, and two (2)
9 calendar years beyond the forecast period;

10 (j) A cost of capital summary for both the base period and forecasted period with
11 supporting schedules providing details on each component of the capital structure;

12 (k) Comparative financial data and earnings measures for the ten (10) most
13 recent calendar years, the base period, and the forecast period;

14 (l) A narrative description and explanation of all proposed tariff changes;

15 (m) A revenue summary for both the base period and forecasted period with
16 supporting schedules, which provide detailed billing analyses for all customer classes;
17 and

18 (n) A typical bill comparison under present and proposed rates for all customer
19 classes.

20 (9) The commission shall notify the applicant of any deficiencies in the
21 application within thirty (30) days of the application's submission. An application shall
22 not be accepted for filing until the utility has cured all noted deficiencies.

1 (10) A request for a waiver from the requirements of this section shall include the
2 specific reasons for the request. The commission shall grant the request upon good
3 cause shown by the utility. In determining if good cause has been shown, the
4 commission shall consider:

5 (a) If other information that the utility would provide if the waiver is granted is
6 sufficient to allow the commission to effectively and efficiently review the rate
7 application;

8 (b) If the information that is the subject of the waiver request is normally
9 maintained by the utility or reasonably available to it from the information that it
10 maintains; and

11 (c) The expense to the utility in providing the information that is the subject of the
12 waiver request.

13 Section 17. Notice of General Rate Adjustment. **Upon[When]** filing an
14 application for a general rate adjustment, a utility shall provide notice as established in
15 this section.

16 (1) Public postings.

17 (a) A utility shall post at its place of business a copy of the notice no later than
18 the date the application is submitted to the commission.

19 (b) A utility that maintains a Web site shall, within five (5) business days of the
20 date the application is submitted to the commission, post on its Web sites:

21 1. A copy of the public notice; and

22 2. A hyperlink to the location on the commission's Web site where the case
23 documents are available.

1 (c) The information required in paragraphs (a) and (b) of this subsection shall not
2 be removed until the commission issues a final decision on the application.

3 (2) Customer Notice.

4 (a) If a utility has twenty (20) or fewer customers~~[or is a sewage utility]~~, the utility
5 shall mail a written notice to each customer no later than the date on which the
6 application is submitted to the commission.

7 (b) If a utility has more than twenty (20) customers~~[and is not a sewage utility]~~, it
8 shall provide notice by:

9 1. Including notice with customer bills mailed no later than the date the
10 application is submitted to the commission;

11 2. Mailing a written notice to each customer no later than the date the application
12 is submitted to the commission;

13 3. Publishing notice once a week for three (3) consecutive weeks in a prominent
14 manner in a newspaper of general circulation in the utility's service area, the first
15 publication to be made no later than the date the application is submitted to the
16 commission; or

17 4. Publishing notice in a trade publication or newsletter delivered to all customers
18 no later than the date the application is submitted to the commission.

19 (c) A utility that provides service in more than one (1) county~~[and is not a sewage
20 utility]~~ may use a combination of the notice methods listed in paragraph (b) of this
21 subsection.

22 (3) Proof of Notice. A utility shall file with the commission no later than forty-five
23 (45) days from the date the application was initially submitted to the commission:

1 (a) If notice is mailed to its customers, an affidavit from an authorized
2 representative of the utility verifying the contents of the notice, that notice was mailed to
3 all customers, and the date of the mailing;

4 (b) If notice is published in a newspaper of general circulation in the utility's
5 service area, an affidavit from the publisher verifying the contents of the notice, that the
6 notice was published, and the dates of the notice's publication; or

7 (c) If notice is published in a trade publication or newsletter delivered to all
8 customers, an affidavit from an authorized representative of the utility verifying the
9 contents of the notice, the mailing of the trade publication or newsletter, that notice was
10 included in the publication or newsletter, and the date of mailing.

11 (4) Notice Content. Each notice issued in accordance with this section shall
12 contain:

13 (a) The proposed effective date and the date the proposed rates are expected to
14 be filed with the commission;

15 (b) The present rates and proposed rates for each customer classification to
16 which the proposed rates will apply;

17 (c) The amount of the change requested in both dollar amounts and percentage
18 change for each customer classification to which the proposed rates will apply;

19 (d) The amount of the average usage and the effect upon the average bill for
20 each customer classification to which the proposed rates will apply, except for local
21 exchange companies, which shall include the effect upon the average bill for each
22 customer classification for the proposed rate change in basic local service;

1 (e) A statement that a person may examine this application at the offices of
2 (utility name) located at (utility address);

3 (f) A statement that a person may examine this application at the commission's
4 offices located at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday,
5 8:00 a.m. to 4:30 p.m., or through the commission's Web site at <http://psc.ky.gov>;

6 (g) A statement that comments regarding the application may be submitted to the
7 Public Service Commission through its Web site or by mail to Public Service
8 Commission, Post Office Box 615, Frankfort, Kentucky 40602;

9 (h) A statement that the rates contained in this notice are the rates proposed by
10 (utility name) but that the Public Service Commission may order rates to be charged
11 that differ from the proposed rates contained in this notice;

12 (i) A statement that a person may submit a timely written request for intervention
13 to the Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602,
14 establishing the grounds for the request including the status and interest of the party;
15 and

16 (j) A statement that if the commission does not receive a written request for
17 intervention within thirty (30) days of initial publication or mailing of the notice, the
18 commission may take final action on the application.

19 (5) Abbreviated form of notice. Upon written request, the commission may grant
20 a utility permission to use an abbreviated form of published notice of the proposed
21 rates, provided the notice includes a coupon that may be used to obtain all of the
22 required information.

1 Section 18. Application for Authority to Issue Securities, Notes, Bonds, Stocks, or
2 Other Evidences of Indebtedness. (1) An application for authority to issue securities,
3 notes, bonds, stocks, or other evidences of indebtedness payable at periods of more
4 than two (2) years from the date thereof shall contain:

5 (a) The information required by Section 14 of this administrative regulation;

6 (b) A general description of the applicant's property and the field of its operation,
7 together with a statement of the original cost of the same and the cost to the applicant.
8 If it is impossible to state the original cost, the facts creating the impossibility shall be
9 stated;

10 (c) The amount and kinds of stock, if any, which the applicant desires to issue,
11 and, if preferred, the nature and extent of the preference; the amount of notes, bonds,
12 or other evidences of indebtedness, if any, which the applicant desires to issue, with
13 terms, rate of interest, and if and how to be secured;

14 (d) The use to be made of the proceeds of the issue of securities, notes, bonds,
15 stocks, or other evidence of indebtedness with a statement indicating how much is to be
16 used for the acquisition of property, the construction, completion, extension, or
17 improvement of facilities, the improvement of service, the maintenance of service, and
18 the discharge or refunding of obligations;

19 (e) The property in detail that is to be acquired, constructed, improved, or
20 extended with its cost, a detailed description of the contemplated construction,
21 completion, extension, or improvement of facilities established in a manner whereby an
22 estimate of the cost may be made, a statement of the character of the improvement of
23 service proposed, and of the reasons why the service should be maintained from its

1 capital. If a contract has been made for the acquisition of property, or for construction,
2 completion, extension, or improvement of facilities, or for the disposition of the
3 securities, notes, bonds, stocks, or other evidence of indebtedness that it proposes to
4 issue or the proceeds thereof and if a contract has been made, copies thereof shall be
5 annexed to the application;

6 (f) If it is proposed to discharge or refund obligations, a statement of the nature
7 and description of the obligations including their par value, the amount for which they
8 were actually sold, the associated expenses, and the application of the proceeds from
9 the sales. If notes are to be refunded, the application shall show the date, amount, time,
10 rate of interest, and payee of each and the purpose for which their proceeds were
11 expended; and

12 (g) If the applicant is a water district, a copy of the applicant's written notification
13 to the state local debt officer regarding the proposed issuance.

14 (2) The following exhibits shall be filed with the application:

15 (a) Financial exhibit (see Section 12 of this administrative regulation);

16 (b) Copies of trust deeds or mortgages, if applicable, unless they have already
17 been filed with the commission, in which case reference shall be made by case number
18 to the proceeding in which the trust deeds or mortgages have been filed; and

19 (c) Maps and plans of the proposed property and constructions together with
20 detailed estimates in a form that they can be reviewed by the commission's engineering
21 division. Estimates shall be arranged according to the commission-prescribed uniform
22 system of accounts for the various classes of utilities.

1 Section 19. Application for Declaratory Order. (1) The commission may, upon
2 application by a person substantially affected, issue a declaratory order with respect to
3 the jurisdiction of the commission, the applicability to a person, property, or state of
4 facts of an order or administrative regulation of the commission or provision of KRS
5 Chapter 278, or with respect to the meaning and scope of an order or administrative
6 regulation of the commission or provision of KRS Chapter 278.

7 (2) An application for declaratory order shall:

8 (a) Be in writing;

9 (b) Contain a complete, accurate, and concise statement of the facts upon which
10 the application is based;

11 (c) Fully disclose the applicant's interest;

12 (d) Identify all statutes, administrative regulations, and orders to which the
13 application relates; and

14 (e) State the applicant's proposed resolution or conclusion.

15 (3) The commission may direct that a copy of the application for a declaratory
16 order be served on a person who may be affected by the application.

17 (4) **Unless the commission orders otherwise,** responses, if applicable, to an
18 application for declaratory order shall be filed with the commission within twenty-one
19 (21) days after the date on which the application was filed with the commission and
20 shall be served upon the applicant.

21 (5) A reply to a response shall be filed with the commission within fourteen (14)
22 days after service.

1 (6) Each application, response, and reply containing an allegation of fact shall be
2 supported by affidavit or shall be verified.

3 (7) The commission may dispose of an application for a declaratory order solely
4 on the basis of the written submissions filed.

5 (8) The commission may take any action necessary to ensure a complete record,
6 to include holding oral arguments on the application and requiring the production of
7 additional documents and materials, and may extend the time for the filing of a reply or
8 response under this section.

9 Section 20. Formal Complaints. (1) Contents of complaint. Each complaint shall
10 be headed "Before the Public Service Commission," shall establish the names of the
11 complainant and the defendant, and shall state:

12 (a) The full name and post office address of the complainant;

13 (b) The full name and post office address of the defendant;

14 (c) Fully, clearly, and with reasonable certainty, the act or omission, of which
15 complaint is made, with a reference, if practicable, to the law, order, or administrative
16 regulation, of which a failure to comply is alleged, and other matters, or facts, if any, as
17 necessary to acquaint the commission fully with the details of the alleged failure; and

18 (d) The relief sought.

19 (2) Signature. The complainant or his or her attorney, if applicable, shall sign the
20 complaint. A complaint by a corporation, association, or another organization with the
21 right to file a complaint, shall be signed by its attorney.

1 (3) Number of copies required. Upon the filing of an~~When the complainant~~
2 ~~files his or her~~] original complaint, the complainant shall also file two (2) more copies
3 than the number of persons to be served.

4 (4) Procedure on filing of complaint.

5 (a) Upon the filing of a complaint, the commission shall immediately examine the
6 complaint to ascertain if it establishes a prima facie case and conforms to this
7 administrative regulation.

8 1. If the commission finds that the complaint does not establish a prima facie
9 case or does not conform to this administrative regulation, the commission shall notify
10 the complainant and provide the complainant an opportunity to amend the complaint
11 within a specified time.

12 2. If the complaint is not amended within the time or the extension as the
13 commission, for good cause shown, shall grant, the complaint shall be dismissed.

14 (b) If the complaint, either as originally filed or as amended, establishes a prima
15 facie case and conforms to this administrative regulation, the commission shall serve an
16 order upon the person complained of, accompanied by a copy of the complaint, directed
17 to the person complained of and requiring that the matter complained of be satisfied, or
18 that the complaint be answered in writing within ten (10) days from the date of service of
19 the order, provided that the commission may require the answer to be filed within a
20 shorter or longer period.

21 (5) Satisfaction of the complaint. If the defendant desires to satisfy the complaint,
22 he or she shall submit to the commission, within the time allowed for satisfaction or
23 answer, a statement of the relief that the defendant is willing to give. Upon the

1 acceptance of this offer by the complainant and with the approval of the commission,
2 the case shall be dismissed.

3 (6) Answer to complaint. If the complainant is not satisfied with the relief offered,
4 the defendant shall file an answer to the complaint within the time specified in the order
5 or the extension as the commission, for good cause shown, shall grant.

6 (a) The answer shall contain a specific denial of the material allegations of the
7 complaint as controverted by the defendant and also a statement of any new matters
8 constituting a defense.

9 (b) If the defendant does not have information sufficient to answer an allegation
10 of the complaint, **the defendant[~~it~~]** may so state in the answer and place the denial
11 upon that ground.

12 Section 21. Informal Complaints. (1) An informal complaint shall be made to the
13 commission's division of consumer services in a manner that specifically states the
14 complainant's concerns and identifies the utility.

15 (2) The commission's division of consumer services shall address by
16 correspondence or other means the complaint.

17 **(a)** If an informal complaint is referred to a utility, the utility shall acknowledge to
18 the commission's division of consumer services referral of the complaint and shall report
19 on its efforts to contact the complainant within three (3) business days of the referral, or
20 a lesser period as commission staff may require.

21 **(b)** If commission staff requires a period less than three (3) business days for a
22 response, that period shall be reasonable under the circumstances.

1 (3) Upon resolution of the informal complaint, the utility shall notify the
2 commission's division of consumer services.

3 (4) In the event of failure to bring about satisfaction of the complaint because of
4 the inability of the parties to agree as to the facts involved, or from other causes, the
5 proceeding shall be held to be without prejudice to the complainant's right to file and
6 prosecute a formal complaint whereupon the informal proceedings shall be
7 discontinued.

8 Section 22. Deviations from Rules. In special cases, for good cause shown, the
9 commission may permit deviations from these rules.

10 Section 23. Incorporation by Reference. (1) The following material is incorporated
11 by reference:

12 (a) "FERC Form-1", Annual Report of Major Electric Utilities, Licensees and
13 Others, March 2007;

14 (b) "FERC Form-2", Annual Report of Major Natural Gas Companies, December
15 2007;

16 (c) "Notice of Election of Use of Electronic Filing Procedures", June 2014~~July~~
17 ~~2012~~];

18 (d) "PSC Form-T (telephone)", August 2005;

19 (e) "Form 8-K", January 2012;

20 (f) "Form 10-K", January 2012;

21 (g) "Form 10-Q", January 2012; and

22 (h) "Subpoena Form", August 2013.

1 (2) This material may be inspected, copied, or obtained, subject to applicable
2 copyright law, at the commission's offices located at 211 Sower Boulevard, Frankfort,
3 Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m., or through the
4 commission's Web site at <http://psc.ky.gov>.

David L. Armstrong, Chairman
Public Service Commission

Date: _____

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT
Administrative Regulation Number: 807 KAR 5:001

Contact Person: Stephanie Bell
Deputy Executive Director

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides the rules of procedures for the hearings and formal proceedings before the Public Service Commission.

(b) The necessity of this administrative regulation: This administrative regulation is needed to provide the structural framework for hearings and formal proceedings that the Public Service Commission conducts.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 278.040(3) authorizes the Commission to adopt reasonable regulations to implement the provisions of KRS Chapter 278. KRS 278.310 provides that hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It sets forth the rules of procedure that utilities and the commission must follow.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The proposed amendment codifies Commission practices for delivering its orders by means of electronic transmission rather than by mail, eliminates the requirement that sewage utilities mail customer notices, eliminates the requirement for water districts requesting fee increases to present testimony or be scheduled to present testimony to its governing body, expands information that must be redacted when filing applications.

(b) The necessity of the amendment to this administrative regulation: This amendment incorporates Commission practices that have not been codified in the Commission's regulations. This amendment reflects changes in the method of the delivery of the commission's orders by electronic transmission mandated by the recent revision of KRS 278.380, and complies with SB 123, HB 5, and HB 192 which became law during the 2014 legislative session.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 278.040(3) authorizes the Commission to adopt reasonable regulations to implement the provisions of KRS Chapter 278. KRS 278.310 provides that hearings and

investigations before the commission or any commissioner shall be governed by rules adopted by the commission.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides more guidance to utilities in regards to proceedings before the Commission.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The proposed amendment will affect all utilities regulated by the Public Service Commission and all persons who make an appearance or otherwise participate in Commission proceedings.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The utilities will be responsible for providing the Commission with their electronic mail address or will need to provide good cause for mail delivery. Additionally, the utilities will need to redact personal information before filing documents.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no additional costs to comply with this amendment, and will indeed lessen certain costs. The proposed amendment eliminates several filing requirements. It clarifies several uncertainties in the existing regulation and will likely lessen the number of actions that parties to a Commission proceeding must take to ensure compliance with the Commission's procedural rules.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment provides clarity regarding proceedings before the Commission. It harmonizes the Commission's rules regarding delivery of its orders with the existing capabilities of the Commission's filing system. Sewage utilities are no longer required to mail customer notices. Sewage utilities may publish notice in the same manner as other utilities. Water districts seeking fee increases are no longer required to present or schedule to present testimony to its governing body.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: Implementation of the proposed amendment will not involve additional costs.

(b) On a continuing basis: No additional costs are expected.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding is required.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary or will be required.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No.

(9) TIERING: Is tiering applied? No. Tiering is not applicable.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 807 KAR 5:001

Contact Person: Stephanie Bell

Phone number: (502) 564-3940

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Public Service Commission; Office of Attorney General (Utility Rate and Intervention Division); water districts; sewer districts; municipalities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation.

KRS 278.040(3) authorizes the commission to adopt reasonable regulations to implement the provisions of KRS Chapter 278. KRS 278.310 provides that all hearings and investigations before the commission or any commissioner shall be governed by rules adopted by the commission.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No direct increase in revenue will result from the adoption of the proposed amendments for any governmental agency. The proposed amendments do not provide for the Public Service Commission to assess any fee or charge.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No direct increase in revenue will result from the adoption of the proposed amendment for any governmental agency. The proposed amendment does not provide for the Public Service Commission to assess any fee or charge.

(c) How much will it cost to administer this program for the first year? There should be no increase in the Public Service Commission's cost of operations related to the revision of the administrative regulation for the first year. The Public Service Commission will continue performing the same level of review and require the same number of employees to conduct its review.

(d) How much will it cost to administer this program for subsequent years? There should be no increase in the Public Service Commission's cost of operations related to the revision of the administrative regulation for subsequent years. The Public Service

Commission will continue performing the same level of review and require the same number of employees to conduct its review.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

SUMMARY OF CHANGES TO MATERIAL INCORPORATED BY REFERENCE

(1) Notice of Election of Use of Electronic Filing Procedures Form, **a one page form**, is being revised to remove language where the applicant agrees to waive its right to service of Public Service Commission orders by mail. This is no longer needed due to the change to KRS 278.380 in the 2014 legislative session. **This form was revised in June 2014.**

STATEMENT OF CONSIDERATION
RELATING TO 807 KAR 5:001

Energy and Environment Cabinet
Public Service Commission

(Amended After Comments)

1. A public hearing on 807 KAR 5:001, scheduled for July 22, 2014 at 9:00 a.m. at the Public Service Commission's office was cancelled; however, written comments were received during the public comment period.

2. The following people submitted written comments:

<u>Name</u>	<u>Agency/ Organization/ Entity/ Other</u>
James M. Miller	Big Rivers Electric Corporation
Isaac S. Scott	East Kentucky Power Cooperative
Damon R. Talley	Kentucky Rural Water Association, Inc.
Kendrick R. Riggs	Louisville Gas and Electric Company and Kentucky Utilities Company

3. The following persons from the promulgating administrative body responded to written comments:

<u>Name & Title</u>	<u>Title</u>
Stephanie Bell	Deputy Executive Director
Brent Kirtley	Manager, Tariff Branch
Daniel Hinton	Public Utility Rate Analyst IV, Tariff Branch

4. Summary of Comments and Responses:

(1) Subject Matter: Section 4(8) -- Service

1.(a) Comment: James M. Miller (Big Rivers Electric Corporation) - The proposed regulation is not clear that service by overnight courier service is considered service by "mail" for purposes of the regulation. A large filing by electronic mail will require that a filing be completed significantly earlier than otherwise required to permit time for scanning documents for service and may be too large to be received through regular electronic mail.

(b) Response: Section 4(8) is revised to clarify how service will be executed by the commission and between parties. No action taken regarding the size limit. The size of the electronic mail is dependent on the electronic mail provider of both the sender and the recipient.

2. (a) Comment: Isaac S. Scott (East Kentucky Power Cooperative) - The proposed regulation will require all parties to file cases subject to the Commission's electronic filing system unless good cause is demonstrated to the Commission's satisfaction. There is no justification or explanation of why parties are being required to serve papers through electronic mail or why parties are required to include an electronic version of the Commission's order or a hyperlink to the Commission's order from the Web site. The proposed revisions, pursuant to the amended KRS 278.380, apply to service of papers by the Commission, not by parties to a case.

(b) Response: Section 4(8) is revised to clarify how service will be executed by the commission and between parties.

3. (a) Comment: Damon R. Talley (Kentucky Rural Water Association, Inc.) - The proposed regulation eliminates all the existing options for one party to serve documents upon another party or its attorney except via electronic means or by hand-delivery.

(b) Response: Section 4(8) is revised to clarify how service will be executed by the commission and between parties.

4. (a) Comment: Kendrick R. Riggs (Louisville Gas and Electric Company and Kentucky Utilities Company) - The proposed regulation eliminates a party's option to serve documents by mail in non-electronic cases, which is not required by KRS 278.380. Moreover, electronic mail is not the most cost-effective or practical method in all instances. For example, the electronic version of a voluminous filing in a non-electronic proceeding may exceed the size limitations of most commercial mail servers. Also, the definition of "electronic transmission" should be added to Section 1(7) and Section 4(8) should be retitled and Section 498(b)(3) should be revised.

(b) Response: Section 4(8) is revised to clarify how service will be executed by the commission and between parties. No action taken regarding the size limit. The size of the electronic mail is dependent on the electronic mail provider of both the sender and the recipient. No action is taken regarding the addition of a definition and retitling Section 4(8) as the term "electronic transmission" is not being utilized in the proposed regulation.

(2) Subject Matter: Section 4(10) – Privacy protection for filings

(a) Comment: Kendrick R. Riggs (Louisville Gas and Electric Company and Kentucky Utilities Company) - The proposed revision to Section 4(10) implies that all parties have the duty to review the filing party's filing and report all instances of unredacted personal information, and therefore the language needs to be clarified to place the responsibility for redaction on the filing party. "Personal information" should also be defined in a new subsection under Section 1(11). The commission should also revise the "Relates To" and "Statutory Authority" sections to include KRS 61.931-.934 to clearly establish that the privacy protection rules were promulgated in response to KRS 61.931-.934.

(b) Response: Section 4(10) is revised to clarify that the party making a filing is responsible for the review and redaction of its own filing. No action is taken regarding the definition of "Personal information" to avoid limiting the language of the definition. The "Relates To" section is revised to include KRS 61.931-.934.

(3) Subject Matter: Section 4(11) – Intervention and Parties

(a) Comment: Kendrick R. Riggs (Louisville Gas and Electric Company and Kentucky Utilities Company) - The proposed revision to Section 4(11) should be withdrawn and no revisions should be made to that subsection

(b) Response: No action necessary. Section 4(11) is in compliance with KRS 278.380 as amended.

(4) Subject Matter: Section 4(12) – Requests for Information

(a) Comment: Kendrick R. Riggs (Louisville Gas and Electric Company and Kentucky Utilities Company) - Section 4(12) of the proposed regulation should be revised to include a similar requirement to Kentucky Civil Rule 26.01(2) that a party to an action who is issuing interrogatories, requests for production or requests for admission to service with its discovery request an electronic version of the request. The commission should also consider limiting the number of requests for information.

(b) Response: No action taken. Revisions to Section 4(12) are beyond the scope of the Commission's revisions at this time. Although this comment may have merit, it deserves more consideration and review by all affected utilities and interested parties. Additionally, the Commission will consider motions by parties on a case by case basis to determine if there has been abuse of the process.

(5) Subject Matter: Section 8(2) – Electronic Filing Procedures

(a) Comment: Kendrick R. Riggs (Louisville Gas and Electric Company and Kentucky Utilities Company) - Section 8(2) should be revised to permit a "Notice of Election of Use of Electronic Filing Procedures" Form to be submitted by electronic mail without the submission of a duplicate paper copy.

(b) Response: No action taken. Revisions to Section 8(2) are beyond the scope of the Commission's revisions at this time. Although this comment may have merit, it deserves more consideration and review by all affected utilities and interested parties.

(6) Subject Matter: Section 8(9) and (10) – Electronic Filing Procedures

(a) Comment: Kendrick R. Riggs (Louisville Gas and Electric Company and Kentucky Utilities Company) - The amendment of KRS 278.380 eliminates the need for a written statement from each party waiving its right to service of commission orders by mail and attesting that it or its agent possesses the facilities to receive electronic transmissions. If such a statement is not necessary for electronic delivery of commission orders in non-electronic proceedings, it should also be unnecessary in electronic proceedings. Additionally, the "Notice of Election of Use of Electronic Filing Procedures" Form should be revised to eliminate the language, "It or its authorized agents possess the facilities to receive electronic transmissions."

(b) Response: No action taken. Revisions to Section 8(9) and (10) are beyond the scope of the Commission's revisions at this time. Although this comment may have merit, it deserves more consideration and review by all affected utilities and interested parties. In addition, KRS 278.380 as amended does not address electronic filings, but is limited to service of commission orders.

(7) Subject Matter: Section 1 and Section 17(2) – Notice and Electronic Billing

(a) Comment: Kendrick R. Riggs (Louisville Gas and Electric Company and Kentucky Utilities Company) - The proposed regulation does not address the issue of notices with electronic billings. Utilities that engage in electronic billing should be permitted the option of providing notice of a proposed rate adjustment electronically with its electronic bills. Section 1 of this regulation should be amended to add a definition of “Customer bill”, and Section 17(2)(b)1 should be revised to allow electronic transmission of notice with customer bills. A new subsection should be added to Section 17(2) allowing notice to be promulgated to the customer, if the customer has consented in writing, in an electronic message to the customer, a portable document format attachment, or a hyperlink to the utility’s website.

(b) Response: No action taken. Revisions to Section 1 and Section 17(2) are beyond the scope of the Commission’s revisions at this time. Although this comment may have merit, it deserves more consideration and review by all affected utilities and interested parties

5. Summary of the Statement of Consideration and Action Taken By Promulgating Administrative Body

The Public Service Commission has responded to the comments from the public comment period regarding the proposed amendments to 807 KAR 5:001. The Public Service Commission proposes the following amendments after comments:

Page 1

RELATES TO

Line 5

After “61.870-884,” insert “61.931-934.”

Line 6

After “278.300,” insert “278.410.”

After “424.300,” insert “45 C.F.R. 160.103.”

After “47 C.F.R. 36” insert “, 20 U.S.C. 1232g”.

Page 2

Section 1(4)(b)1.

Line 6

After “1.”, insert “Alone or”.

After “intermediary companies”, delete “, or alone”.

Page 2

Section 1(4)(b)4.

Line 9

After “or holding trusts,”, insert “or”

Page 6
Section 4(8)(b)
Line 23

After “or upon a party”, insert “by the commission”

After “be made by”, insert the following:

sending a copy by electronic mail to the electronic mail address listed on papers that the attorney or party has submitted in the case. A paper that is served via electronic mail shall comply with Section 8(4) of this administrative regulation and shall include the sending of an electronic mail message that contains an electronic version of the commission order or a hyperlink that enables the recipient to access, view, and download an electronic copy of the commission order from the commission’s Web site.

(c) If good cause exists, and upon the filing of a motion by a party to excuse a party from receiving service by electronic mail from the commission, the commission shall order service of papers on the party to be made in accordance with paragraph (d)1. or 2. of this subsection.

(d) Service upon an attorney or upon a party by the parties in a case shall be made by

Page 7
Section 4(8)(b)
Line 1

After “or party;”, delete “or”.

Line 2

After “2.”, insert the following:

Mailing a copy by United States mail or other recognized mail carrier to the attorney or party at the last known address; or
3.

Line 4

After “copy by electronic”, insert “mail”.

Delete “means”.

Line 5 and 6

After “via electronic”, insert “mail”.

Delete “means”.

Line 6

After “this administrative regulation”, delete the remainder of the subparagraph except for the period.

Lines 10 and 11 After “Web site.”, insert “(e)”.

Delete the following:

(c) If good cause exists to excuse the party from receiving a copy by electronic means, service of papers on the party shall be made by mailing a copy by United States mail or other recognized mail carrier to the attorney or party at the last known address.

(d)

Page 7
Section 4(9)(a)
Line 22

After “commission until”, insert “the paper: 1.”.
Delete “it”.
Capitalize the first letter of “is”.

Page 8
Section 4(9)(a)
Line 1

After “official business hours”, insert “; and 2.”.
Delete “and the paper”.
Capitalize the first letter of “meets”.

Page 8
Section 4(10)(a)
Line 7

After “If a”, insert “person”.
Delete “party”.
After “personal information, the”, insert “person”.
Delete “party”.

Lines 8 and 9

After “Personal information”, insert “shall include”.
Delete “includes”.

Page 8
Section 4(10)(a)5.
Line 22

After “government;”, delete “or”.

Page 9
Section 4(10)(a)6.
Line 1

After “6.”, insert an opening quotation mark.
After “identifiable health information”, insert a closing quotation mark.
After “as defined”, insert “by”.
Delete “in”.

Line 3

After “sec”, insert “””.
After “sec 1232g”, insert the following:
or
7. Other individually identifiable contact information

Page 9
Section 4(10)(b)
Line 5

After “an indelible mark”, delete the comma.

Line 6

After “identifiers that”, insert “the identifiers”.
Delete “they”.

Page 9

Section 4(10)(c)

Line 7

After “(c)”, delete the following:

Each party shall be required to review a paper for compliance with this section.

Line 8

After “The responsibility to”, insert the following:
review for compliance with this section and

Page 9

Section 4(11)(a)

Line 12

After “leave to intervene.”, insert “1.”.

Line 16

After “disrupting the proceedings.”, insert “2.”.

Page 10

Section 4(11)(c)

Line 4

After “granting intervention, but”, insert “the party”.

Page 10

Section 4(11)(e)

Line 11

After “of the case.”, insert “1.”.

Line 12

After “the case record.”, insert “2.”.

Page 11

Section 4(12)(d)4.

Line 15

After “its prior response if”, insert “the party”.
Delete “it”.

Line 16

After “obtains information”, insert “that”.
Delete “which”.

Page 11
Section 4(12)(d)5.
Line 20

After “specific grounds for”, insert “the”.
Delete “its”.

Page 12
Section 4(14)(a)
Line 13

After “to be consolidated”, insert “if”.
Delete “where”.

Page 14
Section 8(2)(b)
Line 18

After “(b) If”, insert “the applicant”.
Delete “it”.

Page 16
Section 8(6)(c)
Line 5

After “established in paragraph (a)”, delete “or (b)”.

Page 16
Section 8(9)
Line 21

After “motion for intervention,”, insert “the party”.
Delete “it”.

Page 18
Section 8(13)
Line 10

After “(13) Except as”, insert “established”.
Delete “expressly provided”.

Page 18
Section 9(1)(a)
Line 18

After “satisfied the complaint”, delete “to the commission’s satisfaction”.

Page 18
Section 9(2)(a)
Line 23

After “of the filing.”, insert “1.”.

Page 19
Section 9(2)(a)
Line 1

After “providing the notice.”, insert “2”.

Page 19
Section 9(2)(b)2.
Line 10

After “one (1) time”, insert “and”.

Page 19
Section 9(3)
Line 18

After “commission’s own motion.”, insert “(a)”.

Line 21

After “KAR Chapter 5.”, insert “(b)”.

Lines 21 and 22

After “The commission may”, delete “also”.

Line 22

After “its own experts”, insert a comma.
Delete “or”.

Page 21
Section 11(1)
Line 17

After “may accept certified”, delete the comma.

Line 18

After “otherwise authenticated”, delete the comma.

Line 18

After “the documents or”, insert “relevant”.

Lines 18 and 19

After “portions”, delete the following:
of the same as may be relevant

Page 21
Section 11(2)
Line 20

After “(2)”, insert “(a)”.

Line 20 and 21

After “any party is”, insert “part of”.

Delete “embraced in”.

Line 22

After “matter so offered.”, insert “(b)”.

Page 22
Section 11(2)
Line 2

After “into the record”, delete the remainder of the subsection, except for the period.

Page 22
Section 11(3)
Line 8

After “(3)”, insert “(a)”.
After “shall be numbered.”, insert “(b)”.

Line 9

After “also be numbered.”, insert “(c)”.

Lines 11 and 12

After “in the exhibit.”, insert “(d)”.

Page 22
Section 11(4)
Line 13

After “(4)”, insert the following:
Unless so ordered by the commission
Delete the following:
Except as expressly permitted in particular instances

Page 22
Section 11(5)
Line 17

After “to a proceeding”, insert the following:
, or upon the commission’s own motion

Line 19

After “the record”, insert the following:
. A record of the type established in this subsection shall be

Pages 22 and 23
Section 11(5)(a) and (b)
Line 19 to 21 and 1 to 3

After “by ‘reference only.’”, delete paragraphs (a) and (b) in their entirety.

Page 23
Section 12(2)(a)
Line 18

After “(a)”, insert “The”.
Lowercase the first letter of “Amount”.

Page 23
Section 12(2)(b)
Line 19

After "(b)", insert "The".
Lowercase the first letter of "Amount".

Page 24
Section 12(2)(e)
Line 3

After "(e)", insert "The".
Lowercase the first letter of "Amount".

Page 24
Section 12(2)(h)
Line 13

After "(h)", insert "The".
Lowercase the first letter of "Rate".

Page 25
Section 13(2)(a)3.
Lines 1 and 2

After "with those portions", insert "redacted".
Delete "obscured".

Lines 4 and 5

After "only those portions", insert "that".
Delete "which".

Line 5

After "disclose confidential material.", insert "a.".

Lines 6 and 7

After "in this identification.", insert "b.".

Page 25
Section 13(2)(c)
Line 13

After "disclosure requirements", insert "established".
Delete "enumerated".

Page 25
Section 13(2)(d)
Line 17

After "(7) days after", insert "the motion".
Delete "it".

Page 25
Section 13(2)(e)
Line 20

After “except that an”, insert “unredacted”.
Delete “unobscured”.

Page 26
Section 13(3)(a)3.
Lines 11 and 12

After “only those portions”, insert “that”.
Delete “which”.

Line 12
After “disclose confidential material.”, insert “a.”.

Line 13
After “portions thereof”, insert “that”.
Delete “which”.

Lines 13 and 14
After “in this identification.”, insert “b.”.

Page 27
Section 13(3)(c)
Lines 1 and 2

After “advise the requestor of”, insert “the”.
Delete “his or her”.

Page 27
Section 13(3)(d)
Line 6

After “of this section.”, insert “1.”.

Line 9
After “of this section.”, insert “2.”.

Page 27
Section 13(3)(e)
Line 13

After “(20) days following”, insert “the”.
Delete “his or her”.

Page 28
Section 13(7)
Line 17

After “KRS 61.870 to 61.884.”, insert “(a)”.

Line 19
After “KRS 61.870 to 61.884.”, insert “(b)”.

Page 30
Section 13(10)(a)
Line 7

After “director’s written decision.”, insert “1.”.

Line 9

After “requested confidential treatment.”, insert “2.”.

Page 30
Section 13(10)(c)
Line 20

After “not be deemed”, delete “or considered”.

Page 31
Section 13(10)(d)
Line 2

After “material and direct”, insert “that party”.

Delete “him”.

After “within twenty (20) days of”, delete “his”.

Line 4

After “in KRS 61.878.”, insert “1. If the party”.

Delete “If he”.

Lines 5 and 6

After “for public inspection”, insert “; or 2.”.

Delete “. Otherwise,”.

Capitalize the first letter of “the”.

Page 31
Section 14(1)
Line 13

After “or providing for”, insert “the information”.

Delete “same”.

Page 31
Section 14(2)
Lines 16 and 17

After “Kentucky corporation, state”, insert “if”.

Delete “whether”.

Page 31
Section 14(3)
Line 21

After “liability company, state”, insert “if”.

Delete “whether”.

Page 33
Section 15(2)(c)
Lines 4 and 5

After “of the manner”, insert “of the construction”.
Delete the following:
in which same will be constructed,

Page 37
Section 16(4)(j)
Lines 6 and 7

After “System of Accounts”, delete the remainder of paragraph (j), except the semicolon.

Page 38
Section 16(4)(o)
Line 1

After “list shall include”, insert “1.”.
Capitalize the first letter of “each”.

Line 2

After “program, or model;”, insert “2.”.
Capitalize the first letter of “what”.
After “was used for;”, insert “3.”.
Delete “identify”.
Capitalize the first letter of “the”.

Line 3

After “program, or model;”, insert “4.”.
Capitalize “a”.

Line 4

After “or model; and”, insert “5.”.
Capitalize the first letter of “the”.

Page 38
Section 16(4)(q)
Line 7

After “(q)”, insert “The”.
Lowercase the first letter of “Annual”.
After “report to shareholders”, delete the comma.
After “or members”, delete the comma.

Page 39
Section 16(4)(u)
Line 2

After “\$5,000,000”, insert a comma.

Page 39
Section 16(4)(v)
Line 6

After “studies, except as”, delete “specifically”.

Page 40
Section 16(5)(c)
Line 1

After “reflecting plant additions,”, delete “provide”.

Page 44
Section 16(7)(h)15.
Line 5

After “Sales volume forecasts”, insert “in”.
Delete the dash.

Page 44
Section 16(7)(m)
Line 18

After “Accounts chart”, delete the remainder of paragraph (m), except the semicolon.

Page 45
Section 16(7)(t)
Line 17

After “list shall include”, insert “: 1.”.
Capitalize the first letter of “each”.

Line 18

After “program, or model;”, insert “2.”.
Capitalize the first letter of “what”.
After “was used for;”, insert “3.”.
Delete “identify”.
Capitalize the first letter of “the”.

Line 19

After “program, or model;”, insert “4.”.
Capitalize “a”.

Line 20

After “program, or model;”, insert “and 5.”.
Capitalize the first letter of “the”.

Page 46
Section 16(7)(w)
Line 18

After “studies, except as”, delete “specifically”.

Page 49
Section 17
Line 13

After “Rate Adjustment.”, insert “Upon”.
Delete “When”.

Page 55
Section 19(4)
Line 17

After “(4)”, insert the following:
Unless the commission orders otherwise.
Lowercase the first letter of “Responses”

Page 56
Section 20(3)
Line 20

After “of copies required.”, insert the following:
Upon the filing of an
Delete the following:
When the complainant files his or her

Page 58
Section 20(6)(b)
Line 8

After “of the complaint,” insert “the defendant”.
Delete “it”.

Page 58
Section 21(2)
Line 13

After “means the complaint.”, insert “(a)”.

Lines 16 and 17

After the period, insert “(b)”.