

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ADJUSTMENT OF THE ELECTRIC            )  
RATES, TERMS AND CONDITIONS OF        )  
KENTUCKY UTILITIES COMPANY            )        CASE NO. 2003-00434

O R D E R

Pending before the Commission is a petition filed by Kentucky Utilities Company ("KU") requesting a deviation, pursuant to 807 KAR 5:011, Section 14, from the notice requirements set forth in 807 KAR 5:011, Section 8(2). The notice requirements specify that when customers are notified of a change in rates through newspaper publication, such notice must be published for 3 consecutive weeks, with the first publication to be made prior to filing the application with the Commission.

KU's petition states that many of the newspapers in which it is required to publish notice are weekly publications and some of those newspapers did not publish an edition every week during the end-of-year holidays from late December to early January. As a result, nine newspapers published the notice three times in non-consecutive weeks and two newspapers published the first notice after KU filed its application with the Commission.

Based on the petition and being otherwise sufficiently advised, the Commission finds that the customer notice requirements for a general adjustment in rates are set forth in 807 KAR 5:001, Section 10(4)(c)3. Those requirements specify that when notice is given by newspaper publication, it must be published in 3 consecutive weeks

with the first publication made within 7 days of filing the application with the Commission. All of KU's first newspaper notices were published within 7 days of the filing of its application. Although some of its notices were published for 3 non-consecutive weeks, this was due to certain newspapers not publishing during the end-of-year holidays and not due to any omission or failure by KU. The Commission also takes administrative notice of the widespread media coverage of KU's filing of a rate application. Under the circumstances, the Commission finds that KU has substantially complied with the publication requirements and good cause exists to grant the deviation requested.

IT IS THEREFORE ORDERED that KU's newspaper publication of notice of its rate application substantially complied with Commission regulations, and a deviation is granted to the extent that certain weekly newspapers did not publish an edition during the end-of-year holidays.

Done at Frankfort, Kentucky, this 31<sup>st</sup> day of March, 2004.

By the Commission

ATTEST:

  
Executive Director