

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES)
COMPANY TO FILE DEPRECIATION STUDY) CASE NO. 2007-00565
)

APPLICATION OF KENTUCKY UTILITIES)
COMPANY FOR AN ADJUSTMENT OF) CASE NO. 2008-00251
ELECTRIC BASE RATES)

O R D E R

On January 9, 2009, Kentucky Utilities Company ("KU") filed a petition for approval to deviate from the Commission's regulation, 807 KAR 5:011, Section 8(5), regarding publication of notice of the public hearings on its current rate change application. 807 KAR 5:011, Section 8(5), provides:

Where notice pursuant to KRS 424.300 is published by the applicant in a newspaper, it shall be published in a newspaper of general circulation in the areas that will be affected one (1) time not less than seven (7) nor more than twenty-one (21) days prior to the hearing giving the purpose, time, place and date of hearing.

KU states in its petition that, on or before January 1, 2009, it timely published notice of the January 6, 2009 public meeting in Madisonville, Kentucky; the January 8, 2009 public meeting in Middlesboro, Kentucky; the January 12, 2009 public meeting in Lexington, Kentucky; and the January 13, 2009 evidentiary hearing at the Commission's offices in Frankfort, Kentucky. The notice was published in the *Lexington Herald-Leader* and *Louisville Courier-Journal* and 90 other newspapers throughout its service area. However, KU states that due to administrative errors on the part of two

newspapers, *The Manchester Enterprise* (a weekly newspaper serving Clay County) and the *Barbourville Advocate Messenger* (a weekly newspaper serving Knox County), notice of the public meetings and January 13, 2009 evidentiary hearing was not published in those newspapers until January 8, 2009—the day of the public meeting in Middlesboro and only five days prior to the evidentiary hearing on January 13, 2009.

Pursuant to 807 KAR 5:011, Section 14, the Commission finds good cause under the facts of this case to grant KU's request for deviation from the requirements of 807 KAR 5:011, Section 8(5). KU provided sufficient notice of the January 8, 2009 public meeting and the January 13, 2009 formal administrative hearing on KU's rate increase application through its publication of the notice in the *Lexington Herald-Leader* and *Louisville Courier-Journal*—the two newspapers of largest circulation in Kentucky.

IT IS THEREFORE ORDERED that KU's petition for deviation from the notice requirements of 807 KAR 5:011, Section 8(5), is granted.

Done at Frankfort, Kentucky, this 16th day of January, 2009.

By the Commission

ATTEST:



Executive Director

Case No. 2008-00251
Case No. 2007-00565

Lonnie E Bellar
Vice President - State Regulation
Kentucky Utilities Company
220 West Main Street
P. O. Box 32010
Louisville, KY 40202

Honorable David C Brown, Esq.
Attorney at Law
Stites & Harbison, PLLC
1800 Providian Center
400 West Market Street
Louisville, KY 40202

Joe F Childers
Getty & Childers
1900 Lexington Financial Center
250 West Main Street
Lexington, KY 40507

Honorable Dennis G Howard II
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601-8204

Honorable Michael L Kurtz
Attorney at Law
Boehm, Kurtz & Lowry
36 East Seventh Street
Suite 1510
Cincinnati, OH 45202

Honorable Kendrick R Riggs
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KY 40202-2828

Willis L Wilson
Attorney Sr.
Lexington-Fayette Urban County Government
Department Of Law
200 East Main Street
Lexington, KY 40507