

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOUISVILLE GAS AND)	
ELECTRIC COMPANY TO MODIFY ITS)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE)	2012-00469
AND NECESSITY AS TO THE MILL CREEK)	
UNIT 3 FLUE-GAS-DESULFURIZATION UNIT)	

ORDER

On October 15, 2012, Louisville Gas and Electric Company (“LG&E”) filed a Notice of Intent to electronically file an application with the Commission for a modification of a previously issued Certificate of Public Convenience and Necessity authorizing construction related to the Mill Creek Unit 3 Flue-Gas-Desulfurization Unit.¹ LG&E requests permission to deviate from 807 KAR 5:001 to permit the use of electronic filing procedures and service of all documents by electronic means only. The notice of intent contains the names and e-mail addresses of LG&E personnel and counsel that are capable of receiving electronic transmissions.

Finding that use of electronic procedures will assist in a thorough and efficient review of the application and should be instituted for this proceeding, but that procedures should also exist to accommodate full participation by persons who are entitled to intervene but object to the use of electronic filing procedures, the Commission HEREBY ORDERS that:

¹ Case No. 2011-00162, *Application of Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Approval of its 2011 Compliance Plan for Recovery by Environmental Surcharge* (Ky. PSC Dec. 15, 2011).

1. LG&E's request for a deviation from 807 KAR 5:001 to permit the use of electronic filing procedures in this proceeding is granted and all subsequent Commission Orders shall be serviced electronically on LG&E.²

2. When a conflict exists between the procedures set forth in 807 KAR 5:001 and those established in this Order, the parties shall comply with the latter.

3. All pleadings, documents, and exhibits shall be filed with the Commission by uploading an electronic version of the document using the Commission's E-Filing System at <https://psc.ky.gov/Security/account/login.aspx>. The filing party shall also file one original and one paper copy with the Commission.

4. Each file in an electronic submission shall be:

a. In portable document format, except as provided in paragraph 4(f) of this Order;

b. Search-capable;

c. Optimized for viewing on the Internet;

d. Bookmarked to distinguish sections of the pleading or document;

e. Scanned at a resolution of no less than 300 dots per inch, if a scanned document; and

f. If a spreadsheet in Microsoft Excel format, self-contained, and without any linked references to or macro commands involving external files.

² KRS 278.280 places delivery of electronic transmission on the same level as delivery by United States mail. It provides that "[w]hen service of a commission order is by electronic transmission, mailing shall be deemed to have occurred on the date the transmission of the order is completed."

5. All electronic submissions shall include an introductory file in portable document format that is named "Read1st" and that contains:

- a. A general description of the filing;
- b. A list of all materials not included in the electronic filing; and
- c. A statement attesting that the electronically filed documents are a true representation of the original documents.

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

7. The electronic version of the cover letter accompanying the paper filing may substitute for a general description.

8. If the electronic submission does not include all documents contained in the paper version (e.g., confidential materials, materials that are too large or bulky to transfer by electronic medium), the absence of these documents shall be noted in the "Read 1st" document.

9. a. An electronic transmission or uploading session shall not exceed 20 files.

b. An individual file shall not exceed 50 megabytes.

c. If a filing party's submission exceeds the limitations established in paragraph 9(a) or 9(b), the filer shall make its electronic submission in two or more consecutive electronic transmissions or uploading sessions.

10. When filing any document with the Commission, the filing party shall certify that:

- a. The electronic version of the filing is true and accurate copy of each document filed in paper medium;
- b. The electronic version of the filing has been transmitted to the Commission; and
- c. A copy of the filing in paper medium has been mailed to all parties that the Commission has excused from participation by electronic means.

11. Upon completion of a party's uploading of an electronic submission, the Commission shall cause an electronic mail message to be sent to all parties of record advising of the electronic submission to the Commission.

12. Upon a party's receipt of this message, it shall be the receiving party's responsibility to access the Commission's electronic file depository at http://psc.ky.gov/efs/EFS_Search.aspx and view or download a copy of the submission.

13. A document shall be considered timely filed with the Commission if it has been successfully transmitted in electronic medium to the Commission within the time allowed for filing and the original and one copy in paper medium are filed at the Commission's offices no later than the second business day following the electronic filing.

14. When submitting paper copies of electronically submitted documents, the filing party shall attach to the top of the paper submission a paper copy of the electronic mail message from the Commission confirming transmission and receipt of its electronic submission.

15. When submitting documents for which confidential treatment is sought, the filing party shall:

a. Submit an original in paper medium and an electronic copy of the petition requesting confidential treatment and setting forth the grounds pursuant to KRS 61.878 upon which the material should be classified as confidential and a copy of the material with those portions redacted for which confidentiality is sought.

b. Submit a paper copy of the material in question that identifies by underscoring, highlighting with transparent ink, or other reasonable means only those portions that would disclose confidential material unless deleted and a CD-ROM containing an electronic version of such material with highlighting.

16. Within five days of the date of this Order, LG&E shall file a statement as to whether they, or their agents, waive any right to service of Commission Orders by United States mail.

17. Unless it states its objection to the use of electronic filing procedures in its motion for intervention, a party granted leave to intervene in this proceeding shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all documents and pleadings, including orders of the Commission, by electronic means; and

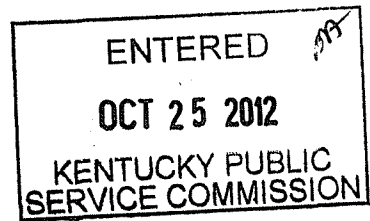
b. Within seven days of the date of an Order granting its intervention, file with the Commission a written statement that:

(i) It waives any right to service of Commission orders by United States mail; and

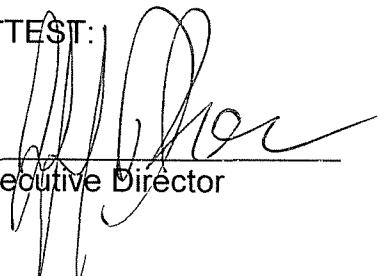
(ii) It, or its authorized agent, possesses the facilities to receive electronic transmissions.

18. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001.

By the Commission



ATTEST:



Executive Director

Case No. 2012-00469

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