

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RIVERSIDE GENERATING COMPANY, L.L.C.)	
)	
COMPLAINANT)	
V.)	CASE NO.
)	2017-00472
KENTUCKY POWER COMPANY)	
)	
DEFENDANT)	

ORDER

The matter is before the Commission upon a motion filed by Kentucky Power Company (“Kentucky Power”), pursuant to 807 KAR 5:001, Sections 8 and 22, requesting the establishment of electronic filing procedures for this matter. In support of its motion, Kentucky Power states that the use of electronic filing procedures would streamline the resolution of this case. Kentucky Power indicates that counsel for Riverside Generating Company, L.L.C. (“Riverside”) does not object to the establishment of electronic filing procedures in this case. Kentucky Power’s motion includes, as attachments, a Notice of Election of Use of Electronic Filing Procedures (“Notice of Election”) forms for both Kentucky Power and Riverside. Each Notice of Election identifies the individuals authorized to make filings or receive electronic service for Kentucky Power and Riverside and confirms that these individuals possess the facilities to receive electronic transmissions and will comply with the procedures set forth in 807 KAR 5:001, Section 8 for electronic filing.

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that 807 KAR 5:001, Section 8(2),¹ requires a notice of intent to use the electronic filing procedures be provided to the Commission at least seven days prior to the filing of an application. Further, 807 KAR 5:001, Section 8(1), provides that use of the electronic filing procedures outlined in 807 KAR 5:001, Section 8, shall be used upon an applicant's timely election of the use of electronic filing procedures. Thus, we find that a request to use the electronic filing procedures must be done in a timely manner, at least seven days prior to the filing of an application.

We note, however, that 807 KAR 5:001, Section 22, allows for a deviation from this requirement upon good cause shown. The Commission finds that Kentucky Power has established good cause to allow a deviation from the notice requirement of 807 KAR 5:001, Section 8(2). We note that Kentucky Power was not the party initiating the instant complaint. We further note that both parties to this matter have agreed to the use of electronic filing procedures and, thus, no prejudice will occur by establishing the use of electronic filing procedures. Lastly, use of electronic filing procedures will assist in a thorough and efficient review of the instant matter.

IT IS HEREBY ORDERED that:

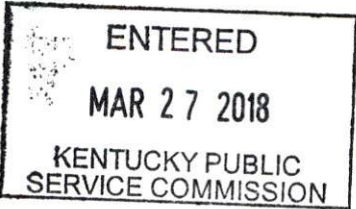
1. Kentucky Power's motion for use of electronic filing procedures is granted.
2. The electronic filing procedures set forth in 807 KAR 5:001, Section 8, shall be used in the processing of this matter.

¹ 807 KAR 5:001, Section 8(2) provides as follows:

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

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

By the Commission



ATTEST:


Executive Director

*David S Samford
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*M. Evan Buckley
Goss Samford, PLLC
2365 Harrodsburg Road, Suite B325
Lexington, KENTUCKY 40504

*Kentucky Power Company
855 Central Avenue, Suite 200
Ashland, KY 41101