

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF CLARK ENERGY	)	
COOPERATIVE, INC. FOR A GENERAL	)	CASE NO.
ADJUSTMENT OF RATES PURSUANT TO	)	2020-00104
STREAMLINED PROCEDURE PILOT PROGRAM	)	
ESTABLISHED IN CASE NO. 2018-00407	)	

ORDER

On May 1, 2020, Clark Energy Cooperative, Inc. (Clark Energy), pursuant to the amended “streamlined procedure” established in Case No. 2018-00407,<sup>1</sup> filed an application seeking a general adjustment in its rates. Under the procedure established in Case No. 2018-00407,<sup>2</sup> the Commission finds that the application meets the standards for the streamlined procedure and should be accepted for filing and processed according to the procedure established in Case No. 2018-00407. Accordingly, Clark Energy should be granted deviation from the filing requirements of 807 KAR 5:001, Section 12(1)(a), and 807 KAR 5:001, Section 16(1)(b)(2), (4)(j)-(s), 4(v), and 5(b)-(d).

All requests for intervention should be filed by May 29, 2020. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceedings which is not adequately represented in the case, or (2) that the person

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<sup>1</sup> Case No. 2018-00407, *A Review of the Rate Case Procedure for Electric Distribution Cooperatives* (Ky. PSC Dec. 20, 2019).

<sup>2</sup> *Id.* Appendix A, at 1–2.

requesting permissive intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction.

The Commission further finds that any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not adequately presented, or the issues and facts the person will present that will assist the commission in fully considering the matter. A mere recitation of the quantity of electricity consumed by the movant or a general statement regarding a potential impact of a possible modification of rates will not be deemed sufficient to establish a special interest.

Clark Energy has proposed that its rates go into effect on June 1, 2020. Under the procedure outlined in Case No. 2018-00407, the Commission is to issue a final Order addressing the application no later than 75 days after Clark Energy filed its application. The date for issuing a final Order falls after the proposed effective date in the tariffs, and the Commission will not be able to complete its investigation by June 1, 2020. Pursuant to KRS 278.190(2), the Commission will, therefore, suspend the effective date of the proposed rates for five months, up to and including November 1, 2020.

The Commission notes that pursuant to Executive Order 2020-215 there exists a state of emergency in the Commonwealth of Kentucky caused by COVID-19. One consequence of the state of emergency is that the majority of the Commissioners and Commission Staff are working remotely and not in the Commission's offices, which could affect the ability of the Commission to process this application within the 75 days

established in the streamlined procedure. The Commission cautions, therefore, that it may find it necessary to extend the 75-day deadline as the situation warrants.

The Commission reminds the parties that pursuant to the Commission's Orders in Case No. 2020-00085,<sup>3</sup> issued March 16, 2020, and March 24, 2020, the parties SHALL NOT FILE the original paper copy of any documents filed in this proceeding, but rather shall file original paper copies within 30 days of the lifting of the current state of emergency.

IT IS THEREFORE ORDERED that:

1. Clark Energy's rates are suspended for five months from June 1, 2020, until November 1, 2020.
2. Clark Energy is granted a deviation from the requirements of 807 KAR 5:001, Section 12(1)(a) and 807 KAR 5:001, Section 16(1)(b)(2), (4)(j)-(s), 4(v), and 5(b)-(d).
3. Clark Energy's 2018<sup>4</sup> and 2019<sup>5</sup> annual reports are incorporated by reference into the record of this proceeding.
4. Requests for intervention shall be filed no later than May 29, 2020.
5. All requests for information to Clark Energy shall be filed no later than June 12, 2020.

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<sup>3</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

<sup>4</sup> Annual Report of Clark Energy Cooperative, Inc. to the Public Service Commission of the Commonwealth of Kentucky for the Calendar Year Ended December 31, 2018 (filed Mar. 27, 2018).

<sup>5</sup> Annual Report of Clark Energy Cooperative, Inc. to the Public Service Commission of the Commonwealth of Kentucky for the Calendar Year Ended December 31, 2019 (filed Mar. 25, 2020).

6. Clark Energy shall file responses to requests for information no later than June 22, 2020.

7. Any written comments regarding Clark Energy's application shall be filed no later than June 29, 2020.

8. The case shall be submitted for a decision on July 1, 2020.

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By the Commission

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KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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