

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF KENTUCKY)	
UTILITIES COMPANY FOR APPROVAL OF AN)	CASE NO.
ECONOMIC DEVELOPMENT RIDER SPECIAL)	2022-00395
CONTRACT WITH KRUGER PACKAGING)	

ORDER

On October 28, 2022, Kentucky Utilities Company (KU) filed, using the Commission’s electronic Tariff Filing System, an Economic Development Rider Special Contract (EDR Contract) with Kruger Packaging (Kruger). The EDR Contract states that the effective date begins, at the option of Kruger, no later than 12 months following approval of the EDR Contract by the Commission. KRS 278.180(1) requires a utility to provide the Commission with 30 days’ notice before making changes to any rate. Therefore, the earliest possible effective date for the Special Contract is November 27, 2022, which is 30 days after the filing date.

KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. Having reviewed the proposed EDR Contract and being otherwise sufficiently advised, the Commission finds that an investigation is necessary to determine the reasonableness of the proposed EDR Contract and that such investigation cannot be completed by November 27, 2022. Therefore, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed Special Contract for five months, up to and including April 26, 2023.

The Commission directs KU to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ in which the Commission mandated the use of electronic filing procedures listed in 807 KAR 5:001, Section 8. The Commission finds that electronic filing procedures should be used, consistent with the filing procedures set forth in Case No. 2020-00085. The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed EDR Contract. The procedural schedule is attached as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of the proposed EDR Contract.
2. KU's proposed EDR Contract is suspended for five months from November 27, 2022, up to and including April 26, 2023.
3. KU shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel.
4. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, KU shall file by electronic means a written statement that it waives any right

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

to service of Commission Orders by United States mail and that it or its authorized agent possess the facilities to receive electronic submissions.

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

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

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

(1) It or its authorized agent possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

7. 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, Section 4(8).

8. The procedural schedule set forth in the Appendix to this Order shall be followed.

9. 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 proceeding, which is not adequately represented in the case, or (2) that the person 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. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, 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 utility service consumed by the movant or a general statement regarding the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

10. KU shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of the hearing shall include the following statements: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov"; and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time publication is requested, KU shall forward a duplicate of the notice and request to the Commission.

11. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

12. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

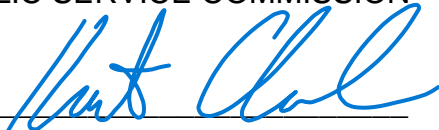
13. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of times with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

14. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

15. Nothing contained in this Order shall prevent the Commission from entering further Orders in this matter.


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PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner



ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00395 DATED NOV 22 2022

- Requests for intervention shall be filed no later than 12/02/2022
- Initial requests for information to Kentucky Utilities shall be filed no later than 12/09/2022
- Kentucky Utilities shall file responses to initial requests for information no later than.....12/22/2022
- All supplemental requests for information to Kentucky Utilities shall be filed no later than 01/12/2023
- Kentucky Utilities shall file responses to supplemental requests for information no later than01/26/2023
- Intervenor testimony, if any, in verified prepared form shall be filed no later than..... 02/02/2023
- All requests for information to Intervenors shall be filed no later than..... 02/16/2023
- Intervenors shall file responses to requests for information no later than..... 03/02/2023
- Kentucky Utilities shall file, in verified form, its rebuttal testimony no later than.....03/09/2023
- Kentucky Utilities or any Intervenor shall request either a hearing or that the case be submitted for decision based on the record no later than.....03/16/2023

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