

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF COLUMBIA GAS)	CASE NO.
OF KENTUCKY, INC. FOR APPROVAL OF THE)	2022-00049
GREEN PATH RIDER PILOT PROGRAM)	

ORDER

On April 24, 2023, Columbia Gas of Kentucky, Inc. (Columbia Kentucky) filed a motion seeking deviation from the Commission’s March 24, 2023 Order in this proceeding. For the reasons set forth below, the Commission finds that the motion should be denied.

LEGAL STANDARD

Pursuant to KRS 278.390, all orders of the Commission continue in force until revoked or modified by the Commission or suspended or vacated by order of a court of competent jurisdiction. Commission regulation 807 KAR 5:011, Section 15 provides that the Commission may permit deviations from its tariff filing regulations for good cause shown.

BACKGROUND

On March 24, 2023, the Commission ordered Columbia Kentucky to publish a correct, accurate notice of its application for approval of the Green Path Rider Pilot program in a prominent manner in a newspaper of general circulation in each county of its service area at least once within 30 days of service of the Order.¹ Columbia Kentucky’s

¹ Order (Ky. PSC Mar. 24, 2023) at 4–5.

April 24, 2023 motion stated that Columbia Kentucky has been informed by the Kentucky Press Association that publication of the customer notice will not be complete for several more days, and that, therefore, Columbia Kentucky seeks a deviation from the Order's requirement that publication of the customer notice be published within 30 days from the date of service of the March 24, 2023 Order. In support of its motion, Columbia Kentucky stated that no harm or prejudice will result from its failure to publish customer notice in all publications within the 30-day requirement because Columbia Kentucky previously published a notice that, while non-compliant with all applicable Commission regulations, directed customers to Columbia Kentucky's website where a complete and accurate notice was posted.

DISCUSSIONS AND FINDINGS

Columbia Kentucky has failed to establish that good cause exists to grant a deviation from the Commission's March 24, 2023 Order. Columbia Kentucky stated that its previously published notice, which the Commission found to be non-compliant with Commission regulations and incomplete, directed customers to its website where a notice that is compliant with all regulations is posted. Columbia Kentucky argued that this presents good cause to permit a deviation from the requirement to publish the notice within 30 days of the Commission's Order. The Commission is not persuaded that access to a non-compliant notice, which also happens to direct customers to a website where a compliant notice is posted, adequately informs customers of Columbia Kentucky's application in this matter. However, Columbia Kentucky has asserted that additional time is required for it to publish notice in all of its service areas, and has indicated that the Kentucky Press Association can accomplish the publication by May 1, 2023. Therefore,

the Commission, on its own motion, finds that good cause exists to extend the time for Columbia Kentucky to publish notice of its application in this matter. Columbia Kentucky will have until May 1, 2023, to publish notice of its application.

IT IS THEREFORE ORDERED that:

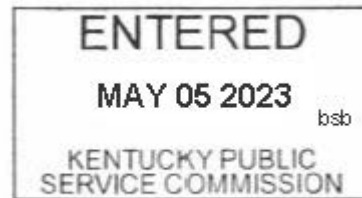
1. Columbia Kentucky's motion is denied.
2. Columbia Kentucky shall publish a correct, accurate notice of its application in a prominent manner in a newspaper of general circulation in each county of its service territory at least once on or before May 1, 2023.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner



ATTEST:


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