

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF FLEMING-	)	CASE NO.
MASON ENERGY COOPERATIVE, INC. FOR A	)	2023-00223
GENERAL ADJUSTMENT OF RATES	)	

ORDER

On August 28, 2023,<sup>1</sup> Fleming-Mason Energy Cooperative, Inc. (Fleming-Mason Energy) filed its application for an increase of rates based on a historical test year pursuant to KRS 278.180 and KRS 278.190. The application proposed that the new rates become effective on October 1, 2023.

Pursuant to KRS 278.180(1), changes to any rate by any utility is prohibited except upon 30 days' notice to the Commission. Therefore, since the application was accepted for filing as of August 28, 2023, the earliest date that Fleming-Mason Energy's proposed rates can be effective is September 27, 2023. Fleming-Mason Energy asked that its proposed rates become effective on October 1, 2023. Having reviewed Fleming-Mason Energy's application, the Commission finds that an investigation is necessary to determine the reasonableness of the proposed rates, and that an investigation cannot be completed by October 1, 2023. KRS 278.190(2) allows the Commission to suspend the effective date of the proposed rates "not for a longer

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<sup>1</sup> Fleming-Mason Energy tendered its application on August 4, 2023. By letters dated August 10, 2023 and August 21, 2023, the Commission rejected the application for filing deficiencies. The deficiencies were subsequently cured, and the application is deemed filed on August 28, 2023.

period than five (5) months beyond the time when it would otherwise go into effect.”<sup>2</sup> Therefore, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed rates for five months, up to and including March 1, 2024.

The Commission further finds that a procedural schedule is necessary to review the reasonableness of the proposed rates. Therefore, the Commission establishes the procedural schedule attached as an Appendix to this Order.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. Fleming-Mason Energy’s proposed rates are suspended for five months, up to and including March 1, 2024.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.

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<sup>2</sup> KRS 278.190(2).

3. Fleming-Mason Energy shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>3</sup> regarding filings with the Commission.

5. 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 that 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 that 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

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<sup>3</sup> 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).

regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

6. Any motion to intervene filed 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.

7. Fleming-Mason Energy 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 hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, [psc.ky.gov](http://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 listing on the PSC website, [psc.ky.gov](http://psc.ky.gov)." At the time publication is requested, Fleming-Mason Energy shall forward a duplicate of the notice and request to the Commission.

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

9. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

10. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

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

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

13. 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.

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PUBLIC SERVICE COMMISSION

*Kurt Cole*  
Chairman

*[Signature]*  
Vice Chairman

*Man Pat Regan*  
Commissioner

ENTERED  
SEP 28 2023 bsb  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

*Linda C. Bridwell*  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2023-00223 DATED SEP 28 2023

Last day for intervention requests to be accepted.....	10/05/2023
All requests for information to Fleming-Mason Energy shall be filed no later than .....	10/11/2023
Fleming-Mason Energy shall file responses to requests for information no later than.....	10/24/2023
All supplemental requests for information to Fleming-Mason Energy shall be filed no later than .....	11/08/2023
Fleming-Mason Energy shall file responses to supplemental requests for information no later than .....	11/20/2023
Intervenor testimony, if any, in verified prepared form shall be filed no later than.....	11/28/2023
All requests for information to Intervenors shall be filed no later than .....	12/12/2023
Intervenors shall file responses to requests for information no later than.....	12/22/2023
Fleming-Mason Energy shall file, in verified form, its rebuttal testimony no later than .....	01/02/2024
Public Hearing to be held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses of Fleming-Mason Energy and Intervenors .....	To be scheduled
Post-Hearing Briefs, if any .....	To be scheduled

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