

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of an Examination of the )  
Application of the Fuel Adjustment Clause of ) Case No. 2015-00236  
Duke Energy Kentucky, Inc. From )  
November 1, 2014 Through April 30, 2015 )

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**DUKE ENERGY KENTUCKY, INC.'S  
MOTION FOR WAIVER**

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Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky or the Company) and hereby moves the Kentucky Public Service Commission (Commission) for a waiver of and deviation from the Commission's October 29, 2015 Order, Paragraph two which states: "[n]ot less than 7 days nor more than 21 days prior to the scheduled hearing, Duke Energy Kentucky shall publish in a newspaper of general circulation in each area in which it serves, notice of the purpose, time, place and date of the scheduled hearing."<sup>1</sup> In the alternative, Duke Energy Kentucky requests the Commission find that the Company has substantially complied with the Commission's October 29, 2015 Order in this proceeding.

On October 29, 2015, the Commission issued its Order for the purpose of taking public comment on the application of the Company's Fuel Adjustment Clause (FAC) from November 1, 2014 through April 30, 2015. Within that Order, the Commission directed Duke Energy Kentucky to publish notice of said hearing.

Duke Energy Kentucky's notice regarding the hearing in the above-styled proceeding was scheduled to run in seven newspapers of general circulation (The Kentucky Enquirer, Boone

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<sup>1</sup> Order at 1.

County Recorder, Gallatin County News, Grant County News, Falmouth Outlook, Campbell County Recorder and Kenton Community Recorder) covering each of the five counties in the Company's electric service territory. Of those seven newspapers, only The Kentucky Enquirer is a daily newspaper. The other six newspapers publish only once a week but collectively cover the same counties as the Kentucky Enquirer. The Company contacted each of the newspapers on November 2, 2015 to arrange the notice to be published. The Kentucky Enquirer published its notice on November 12, 2015; the Boone County Recorder published its notice on November 12, 2015; the Gallatin County News published its notice on November 4, 2015; the Grant County News published its notice on November 5, 2015; and the Falmouth Outlook published its notice on November 10, 2015.

The Campbell County Recorder and Kenton Community Recorder, both weekly periodicals, failed to run the notice at no fault of Duke Energy Kentucky. It was explained to the Company that "due to a system error, ads were not being mapped correctly due to the new PGL pagination system being implemented. That involved a lot of manual work and these ads were deleted in the process."<sup>2</sup> The Company was notified of the omission by email on November 17<sup>th</sup> 2015, which was too late to correct the error and publish in the weekly Campbell County Recorder and Kenton Community Recorder in advance of the hearing. The Kentucky Enquirer, which is the official newspaper of record in Kenton County, and is a newspaper of general circulation in Campbell County, did timely publish on November 12, 2015. It should be noted that the Kentucky Enquirer is the only daily newspaper of general circulation in both Campbell and Kenton Counties.

Duke Energy Kentucky has made a good faith attempt to publish its notice in accordance with the Commission's October 29, 2015 Order and has substantially complied with this Order.

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<sup>2</sup> See Exhibit A.

Although the Campbell County and Kentucky Community Recorders failed to publish the notice as instructed, indeed the publication in The Kentucky Enquirer did timely reach the Campbell and Kenton County service areas. Therefore, Duke Energy Kentucky submits that it has substantially complied with the Commission's October 29<sup>th</sup> Order in providing notice of the hearing to the public. An Affidavit with the explanation of the omission by the newspaper along with a tear sheet from The Kentucky Enquirer are attached hereto as Exhibit A in support of this Motion.

WHEREFORE, Duke Energy Kentucky respectfully requests that the Commission enter an Order granting Duke Energy Kentucky a deviation from the notice publication requirements set forth in its October 29, 2015 Order as it pertains to the two newspapers that publish on a weekly basis, or in the alternative, a declaration that the Company has substantially complied with the Commission's Order.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.



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*Counsel for Duke Energy Kentucky, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing filing was served on the following via  
overnight mail, this 19 day of November, 2015:

Jennifer Hans  
The Office of the Attorney General  
Utility Intervention and Rate Division  
1024 Capital Center Drive  
Frankfort, Kentucky 40601  
[Jennifer.hans@ag.ky.gov](mailto:Jennifer.hans@ag.ky.gov)



Rocco O. D'Ascenzo



James Allen Code, 52, of Florence, died Oct. 30. He graduated from Lloyd Memorial High School and

Legion Road, Paris, KY 40361.

**Jennifer Green**

Jennifer K. Green, 44, of Florence, died Nov. 1.

**MARRIAGE LICENSES**

Sheeri Bushelman, 45, of Walton and Paul Rosevear, 62, of Petersburg, issued Oct. 14.

Breanna Mounce, 25, of Burlington and Stuart Thaman, 25, of Burlington, Oct. 14.

Jill Branam, 45, of Hebron and Brian Northcutt, 46, of Hebron, Oct. 14.

Tiffany Welch, 35, of Union and Steven Dickerson, 40, of Union, Oct. 14.

Katie Taylor, 27, of Burlington and Matthew Fowler, 31, of Burlington, Oct. 14.

Thomas Stephenson, 33, of Florence and Alicia Turner, 33, of Florence, Oct. 15.

Margaret Rawlings, 29, of Florence and Ryan Parker, 29, of Florence, Oct. 15.

Callie Davis, 30, of Hebron and Brian Attebery, 42, of Petersburg, Oct. 16.

Sarah Young, 32, of Walton and Jesse Turner Jr., 31, of Newport, Oct. 16.

Keri Ingram, 21, of Burlington and Kyle Furnish, 26, of Burlington, Oct. 16.

Danielle Gleason, 30, of Florence and Tommy Schwerman, 26, of Florence, Oct. 21.

Roxanne Romero, 27, of Florence and Benjamin Millman, 24, of Florence, Oct. 21.

Angela Stewart, 38, of Burlington and Kelly Moore, 40, of

Burlington, Oct. 21.

Rachel Absten, 25, of Hebron and Matt Patterson, 23, of Hebron, Oct. 22.

Margarita Gutierrez, 25, of Florence and Ricky Deangelis II, 27, of Cincinnati, Oct. 22.

Lura Cantu, 27, of Florence and Hector Cervantes, 26, of Florence, Oct. 22.

Rebecca Zepeda, 45, of Zntioch, Indiana and Ausencio Mendez, 34, of Florence, Oct. 23.

**NOTICE**

NOTICE is hereby given that the Kentucky Public Service Commission has scheduled a public hearing in a case styled "An Examination of the Application of the Fuel Adjustment Clause of Duke Energy Kentucky, Inc. from November 1, 2014 through April 30, 2015," Case No. 2015-00236, beginning Monday, November 23, 2015, at 1:30 p.m., Eastern Standard Time, at the Commission's offices, 211 Sower Boulevard, Frankfort, Kentucky for the only purpose of taking public comment on the application of its Fuel Adjustment Clause from November 1, 2014, through April 30, 2105. This hearing will be streamed live and may be viewed on the PSC website, [psc.ky.gov](http://psc.ky.gov).

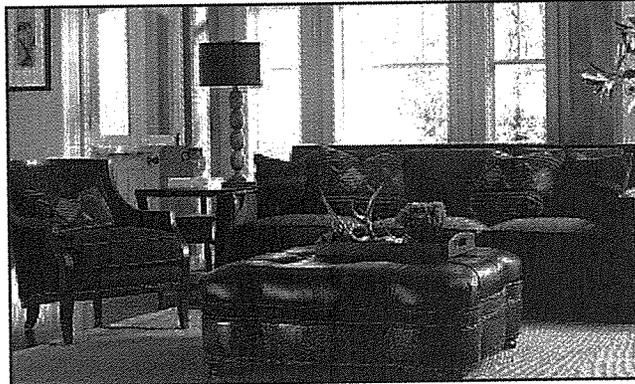
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\*See store