

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

In the Matter of the Annual Cost Recovery )  
Filing for Demand Side Management by ) Case No. 2015-00368  
Duke Energy Kentucky, Inc. )  
)

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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 807 KAR 5:001 Section 17(2)(b)(3) which requires publishing notice once a week for three (3) consecutive weeks in a prominent manner in a newspaper of general circulation in the utility's service area, the first publication to be made no later than the date the application is submitted to the Commission.

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 County Recorder, Gallatin County News, Grant County News, Falmouth Outlook, Campbell County Recorder and Kenton Community Recorder) covering each of the counties in the Company's electric and natural gas 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's Application in this proceeding was filed on November 16, 2015. The Company contacted each of the newspapers on November 5, 2015 to arrange the notice to be published. Each newspaper

published the first of the three notices prior to the dates the Application was submitted to the Commission.

The Kentucky Enquirer published its notices on November 12 and 19, 2015; the Boone County Recorder published its notices on November 12 and 26, 2015; the Campbell County Recorder published its notices on November 12, 19, and 26, 2015; the Gallatin County News published its notices on November 11, 18, and 25, 2015; the Grant County News published its notices on November 12, 19, and 26, 2015; the Kenton County Recorder published its notices on November 12, 19, and 26, 2015; and the Falmouth Outlook published its notices on November 10, 17, and 24 2015.

The Boone County Recorder, a weekly periodical, failed to run the notice on November 19, 2015 at no fault of Duke Energy Kentucky. It was explained to the Company that “The 11/19 Boone County Recorder was missed due to human error. An ad was supposed to be killed and the ad numbers were seen backwards and the Duke Energy ad was killed in error.”<sup>1</sup> Also, the Kentucky Enquirer failed to run the notice on November 26, 2015 at no fault of Duke Energy Kentucky. It was explained to the Company that “The 11/26 KY Enquirer did not run due to a production error. The production facility ran the Ohio page full run vs changing the press plates and running the Kentucky ads in the Kentucky edition.”<sup>2</sup> The Company was notified of these omissions by email on December 16<sup>th</sup> 2015, which was too late to correct the error and publish in the Boone County Recorder and Kentucky Enquirer in the required consecutive weeks. The Kentucky Enquirer, which is the official newspaper of record in Boone County, did timely publish on November 19, 2015. Also, although the Kentucky Enquirer failed to publish notice on

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<sup>1</sup> See Exhibit A.

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

November 26, 2015, it did run in each of the respective county's weekly newspapers including the Boone County Recorder, Kenton County Recorder, and Campbell County Recorder.

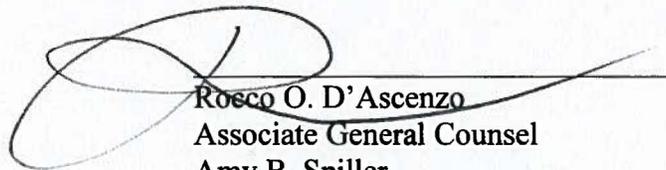
Duke Energy Kentucky has made a good faith attempt to publish its notices in accordance with 807 KAR 5:001 Section 17 and has substantially complied with this requirement. Although the Kentucky Enquirer and Boone County Recorder failed to publish the notice as instructed, indeed the publication in the Kentucky Enquirer on November 19, 2015 and the publication in the Boone County Recorder on November 26, 2015 did timely reach the Boone, Kenton, and Campbell service areas. Affidavits with the explanation of the omission by the newspapers along with tear sheets from The Kentucky Enquirer and Boone County Recorder are attached hereto as Exhibit A and B in support of this Motion.

807 KAR 5:001 Section 17(3) requires the proof of notice be filed with the Commission no later than forty-five days from the date the application was initially submitted to the Commission. Duke Energy Kentucky met that requirement by timely filing all of its newspaper notices and affidavits contemporaneously herewith.

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 under 807 KAR 5:001 Section 17(2)(b)(3) with respect to the Kentucky Enquirer and Boone County Recorder, which failed to publish the Company's publication for three consecutive weeks, or in the alternative, a declaration that the Company has substantially complied with 807 KAR 5:001 Section 17(2)(b)(3).

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

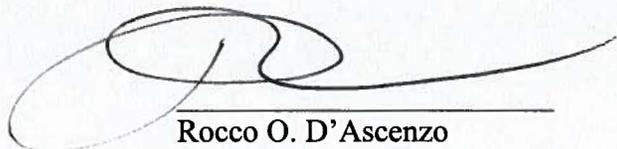


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*Counsel for Duke Energy Kentucky, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing filing was served on the following via  
overnight mail, this 31<sup>st</sup> day of December, 2015:

Lawrence W. Cook  
The Office of the Attorney General  
Utility Intervention and Rate Division  
1024 Capital Center Drive  
Frankfort, Kentucky 40601  
[larry.cook@ag.ky.gov](mailto:larry.cook@ag.ky.gov)



Rocco O. D'Ascenzo

# Affidavit of Publication

**Ad Cost \$ 543.22**

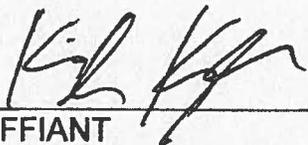
**State of Ohio** }  
                          }  
                          }  
                          } **SS.**  
                          }  
**Hamilton County}**

Personally appeared: Kirk Kloefer, of the Enquirer, a newspaper printed in Cincinnati, Ohio, and published in Cincinnati in said County and State, and as to the Kentucky Enquirer published in Ft. Mitchell, Kenton County, Kentucky, who being duly sworn despoth and saith that the advertisement of which the annexed is a true copy, has been published in the newspaper one time in each issue as follows:

- X Boone County Recorder -11/12/15, 11/26/15
- X Kenton County Recorder-11/12, 11/19, & 11/26/15
- X Campbell County Recorder-11/12, 11/19, & 11/26/15
- X Cincinnati.com – 11/12, 11/19, & 11/26/15

\*\* The 11/19 Boone County Recorder was missed due to human error. An ad was supposed to be killed and the ad numbers were seen backwards and the Duke Energy ad was killed in error.

Shelly Braun, Lead Edition Planner, Enquirer Media

  
\_\_\_\_\_  
AFFIANT

Sworn to before me this the  
22<sup>nd</sup> day of December, 2015

  
Notary Public of Ohio  
Crystal Williams  
Notary Public, State of Ohio  
My Commission Expires 08-24-2020



# Affidavit of Publication

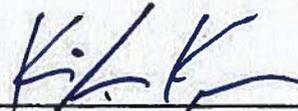
**Ad Cost \$ 2403.21**

**State of Ohio** }  
                          }  
                          }  
                          }  
                          }  
**Hamilton County}** } **SS.**

Personally appeared: Kirk Kloefer, of the Enquirer, a newspaper printed in Cincinnati, Ohio, and published in Cincinnati in said County and State, and as to the Kentucky Enquirer published in Ft. Mitchell, Kenton County, Kentucky, who being duly sworn despoeth and saith that the advertisement of which the annexed is a true copy, has been published in the newspaper one time in each issue as follows: 11/12/15, 11/19/15

- X Kentucky Enquirer
- X Cincinnati.com

\*\* The 11/26 KY Enquirer did not run due to a production error. The production facility ran the Ohio page full run vs changing the press plates and running the Kentucky ads in the Kentucky edition.  
Shelly Braun, Lead Edition Planner, Enquirer Media



\_\_\_\_\_  
AFFIANT  
Sworn to before me this the  
22<sup>nd</sup> day of December, 2015



Crystal Williams  
Notary Public, State of Ohio  
My Commission Expires 08-24-2020

Notary Public of Ohio  
