

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY UTILITIES)	
COMPANY AND LOUISVILLE GAS AND)	
ELECTRIC COMPANY FOR AN ORDER)	
ESTABLISHING THE FORM OF NOTICE)	CASE NO.
AND THE NUMBER OF COPIES OF CERTAIN)	2018-00250
DOCUMENTS TO BE FILED IN SUPPORT)	
OF THEIR UPCOMING APPLICATION FOR)	
RATE ADJUSTMENT)	

ATTORNEY GENERAL'S MOTION TO FILE COMMENTS AND COMMENTS

Comes now, the Attorney General of the Commonwealth of Kentucky, Andy Beshear, by and through his Office of Rate Intervention ("Attorney General), and hereby moves the Commission to accept for filing the comments tendered herein. In support of his motion, the Attorney General states that providing comments in lieu of requesting discovery or filing a brief comports with the short period provided by the requested relief. The Attorney General understands that Louisville Gas & Electric and Kentucky Utilities (the "Companies") intend to file their notice of an application for rate adjustment shortly. Providing comments now allows the Attorney General, on behalf of consumers, to convey concerns while still allowing for a response from the Companies if necessary and a timely resolution by the Commission. As such, allowing the Attorney General to file these comments will not prejudice any party and is in the interest of administrative economy. The Attorney General's comments are as follows:

1. In paragraph 23 of the Companies application in this matter, the Companies request to produce certain forms or reports that are currently hosted on government servers or

accessible through government websites, as hyperlinks. The Companies' aim is obviating the need to reproduce multiple copies to file with the Commission. If the Commission permits the Companies to provide only the appropriate hyperlinks to these documents, it should further require that the Companies take care to ensure these links are permanent, as they are part of the underlying record in which the Commission must base their decision. The Companies can satisfy this requirement in a number of ways, the simplest being the use of a web archiving service such as Perma.cc. Link rot, a term describing when a URL no longer works, is a serious issue in the legal field, as evidenced by the most recent edition of the Kentucky Bar Association's Bench and Bar Magazine.¹

2. Paragraph 25 requests relief from the Commission of "any obligation to file a physical copy of any Excel document on a compact disk or other type of portable storage media." Although the Attorney General assumes the request relates to those Excel documents that the Companies upload to the Commission website, the request as drafted would also apply to those Excel documents that the Companies deem confidential and thus provide to the Commission and parties under seal. If utilities are able to provide the Commission and parties only paper copies of Excel documents that form some basis underlying their applications, utilities and every other party, including the Commission, will not stand on equal footing. Excel documents are more than ever inherently complicated and contain far more information than is readily discernable from the amounts shown in fields. If the Commission sees it necessary to grant the relief requested, it should specifically exempt confidential Excel documents that are

¹ Michael Whiteman & Jennifer Frazier, *Internet Citations in Appellate Court Opinions: Something's Still Rotting in the Commonwealth*, Kentucky Bar Association- Bench and Bar Magazine, July/August 2018 at 20-23.

not uploaded to the Commission's website so that all parties and Commission staff can see the relevant information in its native format.

Respectfully submitted,

ANDY BESHEAR
ATTORNEY GENERAL



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Certificate of Service and Filing

Counsel certifies that an original and ten photocopies of the foregoing were served and filed by hand delivery to Ms. Gwen Pinson, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; counsel further states that true and accurate copies of the foregoing were mailed via First Class U.S. Mail, postage pre-paid, and by electronic mail, if available, to:

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