

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EMERGENCY DOCKET)	CASE NO.
RELATED TO THE NOVEL CORONAVIRUS)	2020-00085
COVID-19)	

ORDER

On March 16, 2020, the Commission established this docket in response to a state of emergency brought on by the pandemic of the novel coronavirus, COVID-19. The Commission, in its March 16, 2020 Order, addressed several filing issues, *inter alia*, temporarily restricting paper filings with the Commission, in addition to encouraging utilities to request relief from other filing or reporting requirements should the utility deem such requests necessary. The Commission, however, has received several inquiries regarding these measures and finds that it is necessary to clarify and modify certain elements of the March 16, 2020 Order.

For electronic cases, upon submission of a file electronically, the filer SHALL NOT file the paper copy required by 807 KAR 5:001, Section 8(12)(a)(2), until later. Documents will be considered filed upon their electronic submission into the case file. Upon electronic submission of documents into the respective case file, no additional action is required, except that filers should retain the paper originals and submit those to the Commission within 30 days after the Governor lifts the current state of emergency.

The Commission expects that all parties that possess the ability to participate in their respective cases by electronic means should request that their non-electronic cases

be converted to electronic cases. Those that believe they do have the ability, but lack the expertise or knowledge, to participate in their respective case(s) by electronic means may contact the Commission by emailing PSCED@ky.gov in order to gain more information on participating by electronic means. In the event that a utility or party IS UNABLE TO convert a non-electronic case to an electronic case, the filing requirements for the case may be met by emailing the document for filing to the following address: PSCED@ky.gov. Documents received at this address will be deemed timely filed if transmitted within the allotted time. Similar to electronic cases, the filer should retain the paper originals of those documents and submit those to the Commission within 30 days after the Governor lifts the current state of emergency.

The Commission further finds, based on feedback and questions from interested parties, additional clarification is required regarding the filing of confidential information. The following *interim* guidance is provided:

For both electronic and non-electronic cases, a party may file confidential information with the Commission by (1) emailing the information to PSCED@ky.gov with a read receipt; or (2) sending by mail or delivery to the Commission's physical address, preferably on USB drive or compact disc, in the forms accepted by the Commission as provided for in 807 KAR 5:001, Section 8(4); or (3) use of an encrypted file-share site hosted by the filer or an affiliated or contracted third party, whereby the Commission may retrieve the confidential materials.

Nothing in the preceding sections relieves a party from serving other parties in a matter with filed documents. Further, redacted copies of confidential materials shall

continue to be filed with the Commission in one of the approved manners discussed above.

Additionally, the Commission finds that gas utilities should be granted temporary deviations from the *state* inspection requirements found in 807 KAR 5:006, Section 26(5). However, this does not grant deviation from any inspection requirements provided for in 49 C.F.R. Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

We also clarify our March 16, 2020 Order on two timely issues: request for extensions of time to file 2019 Reports of Gross Earnings from intrastate business¹ and Annual Financial and Statistical reports.² Pursuant to KRS 278.170, the Commission does not have the statutory authority to grant an extension of time for submitting the Report of Gross Earnings from intrastate business, and those reports must be filed on or before March 31, 2020. Moreover, the Commission already has an established procedure for requesting extensions for filing the Annual Financial and Statistical reports. Requests for extension of time to file an Annual Financial and Statistical report should be submitted electronically by generating an email to PSC.Reports@ky.gov after submission of the Report of Gross Earnings from intrastate business.

IT IS THEREFORE ORDERED that:

1. The Commission's March 16, 2020 Order in this proceeding is modified consistent with the discussion above;

¹ KRS 278.140.

² 807 KAR 5:006, Section 4(2).

2. Utilities are granted a temporary deviation from the *state* inspection requirements in 807 KAR 5:006 Section 26(5); and
3. All other aspects of the March 16, 2020 Order remain in full force and effect.
4. The Commission retains the right to modify, alter, or retract any portion of this Order, or any Order in this proceeding, at any time.

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By the Commission

ENTERED
MAR 24 2020 rCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2020-00085

