

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
UTILITIES COMPANY AND LOUISVILLE GAS	)	CASE NO.
AND ELECTRIC COMPANY FOR CERTIFICATES	)	2025-00045
OF PUBLIC CONVENIENCE AND NECESSITY	)	
AND SITE COMPATIBILITY CERTIFICATES	)	

ORDER

On May 16, 2025, Louisville Gas and Electric (LG&E) and Kentucky Utilities Company (KU) (jointly LG&E/KU) filed responses to Commission Staff's and all intervening parties' second requests for information. Concurrently, LG&E/KU filed a motion to deviate from 807 KAR 5:001, Section 8(3) related to the submission of a workpaper given in response to the Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Metropolitan Housing Coalition, and Mountain Association's (collectively, Joint Intervenors) Second Request for Information, Item 52(b), which exceeded the Commission's 50 MB per file e-filing limit. For reasons explained below, and being otherwise sufficiently advised, the Commission grants LG&E/KU's motion to deviate.

LEGAL STANDARD

Pursuant to 807 KAR 5:001, Section 22, the Commission may, at its discretion, allow deviation from the filing requirements in 807 KAR 5:001 upon a showing of good cause. Commission regulation 807 KAR 5:001, Section 8 and Case No. 2020-00085<sup>1</sup>

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus Covid-19* (Ky. PSC July 22, 2021), Order.

require parties to cases such as this proceeding to electronically upload all filings to the Commission's electronic filing system.

In Case No. 2022-00311,<sup>2</sup> the Commission authorized deviations from certain electronic file format and size regulations pending the amendment of the relevant regulations. The Commission established standards that accepted for electronic filing zip files for certain file formats greater than 50 MB that cannot be submitted in multiple uploading sessions. In that case, the Commission encouraged filers to contact the Commission's Filings Branch Staff for assistance before tendering a motion to deviate from filing format and size requirements.

Finally, KRS 278.100 also requires the Commission's Executive Director to "maintain[] the official records of commission proceedings[.]"

#### LG&E/KU'S MOTION TO DEVIATE

The attachment at issue is a public "zip file that consists of a single compressed Excel file, which cannot be broken into smaller files without destroying its functionality."<sup>3</sup> The file was submitted in response to Joint Intervenors' Second Request for Information, Item 52(b).<sup>4</sup> Consistent with the Commission's Order in Case No. 2022-00311, LG&E/KU contacted Commission Staff which suggested that LG&E/KU provide the file on a thumb

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<sup>2</sup> Case No. 2022-00311, *Electronic Review of Electronic Filing Procedures in 807 KAR 5:001, Section 8(2), (4), and (6)* (Ky. PSC Oct. 6, 2022), Order.

<sup>3</sup> Joint Motion for Approval to Deviate from Rule (Motion to Deviate) (filed May 16, 2025) at 2.

<sup>4</sup> Motion to Deviate at 2.

drive to Commission Staff.<sup>5</sup> Additionally, LG&E/KU also proposed to host the Excel file on the file sharing workspace which all intervenors' counsels have access to.<sup>6</sup>

### DISCUSSION AND FINDINGS

Based upon a review of the record, and being otherwise sufficiently advised, the Commission finds that LG&E/KU has established good cause to deviate from the filing requirements in 807 KAR 5:001, Section 8. Consistent with the Commission's recent Orders regarding this issue,<sup>7</sup> LG&E/KU reached out to Commission Staff requesting guidance on the appropriate manner in which to submit the file and thereafter requested deviation. Additionally, as in prior cases, the submission of a thumb drive containing the Excel file enables the Executive Director to maintain Commission records in accordance with KRS 278.100. However, while the Commission does not object or bar LG&E/KU from hosting the Excel file at issue here on the digital shared workspace, LG&E/KU must also make available an identical thumb drive copy of its official submission to the Commission to all intervening parties which request it.

Finally, the Commission again cautions LG&E/KU and all interested parties, that a thumb drive may not always be the appropriate remedy for deviations of this nature. Therefore, the best practice remains for parties to contact the Commission Filings Branch for assistance with electronic filing concerns.

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<sup>5</sup> Motion to Deviate at 2.

<sup>6</sup> Motion to Deviate at 2.

<sup>7</sup> See generally, Case No. 2024-00326, *Electronic 2024 Joint Integrated Resource Plan of Louisville Gas and Electric Company and Kentucky Utilities Company*, (Ky. PSC Dec. 4, 2024); Order (Ky. PSC Apr. 29, 2025), the Commission granted a nearly identical motion requesting deviation in this case.

IT IS THEREFORE ORDERED that:

1. LG&E/KU's motion requesting deviation from 807 KAR 5:001, Section 8 is granted.
2. LG&E/KU is instructed to provide a copy of the subject material to the Commission on a physical thumb drive.
3. LG&E/KU is instructed to provide a copy of the subject materials on a physical thumb drive to all intervening parties which request it and to maintain electronic access of the subject materials for all intervening parties during the pendency of this matter.

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PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

*Linda Bridwell RP*  
Executive Director



Case No. 2025-00045

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