

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

This matter arises from a Kentucky Utilities Company's (KU) motion to grant approval, pursuant to 807 KAR 5:011, Section 15, to deviate from the customer notice requirements in 807 KAR 5:011, Section 8(2)(b)(3)¹, as it relates to Case No. 2025-00105,² which the Commission has incorporated into the above-captioned proceeding.³

BACKGROUND

On April 18, 2025, KU delivered the required customer notice to the Kentucky Press Service, Inc. (Kentucky Press), an organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky in which customers affected reside, to be published in accordance with 807 KAR 5:011, Section 8(2)(b)(3).⁴

¹ Motion to Deviate (Motion) (filed June13, 2025).

² Case No. 2025-00105, *Electronic Application of Kentucky Utilities Company for Approval of Its 2025 Compliance Plan for Recovery by Environmental Surcharge Plan*.

³ Case No. 2025-00105, May 14, 2025 Order.

⁴ Motion at 2.

Kentucky Press directed each newspaper in writing to publish the customer notice in accordance with the Commission's regulation.⁵

Despite instructions from KU to Kentucky Press, certain newspapers failed to publish the first notice by April 30, 2025, which is the date KU submitted the tariff filing to the Commission.⁶ The following thirteen newspapers failed to publish the first customer notice by the submitted April 20, 2025 date, and instead published once a week for three consecutive weeks starting the first week of May 2025⁷:

1. *Campbellsville Central KY News Journal* (circulation: 1,525)
2. *Carrollton News-Democrat* (circulation: 771)
3. *Central City Times Argus* (circulation: 1,732)
4. *Cynthiana Democrat* (circulation: 2,330)
5. *Hickman County Times* (circulation: 921)
6. *LaGrange Oldham Era* (circulation: 2,304)
7. *Lawrenceburg Anderson News* (circulation: 1,207)
8. *Owenton News Herald* (circulation: 641)
9. *Russell Springs Times Journal* (circulation: 3,470)
10. *Shelbyville Sentinel News* (circulation: 1,352)
11. *Shepherdsville Pioneer News* (circulation: 1,620)
12. *Taylorsville Spencer Magnet* (circulation: 1,086)
13. *Williamstown Grant County News* (circulation: 1,708)

⁵ Motion at 2.

⁶ Motion at 2.

⁷ Exhibit A to the Certificate of Completed Notice (Exhibit A) (filed June 13, 2025) at 6.

MOTION

In its motion, KU argued that although the listed newspapers failed to timely publish the first customer notice by April 30, 2025, the two newspapers with the largest circulation in Kentucky, the *Lexington Herald-Leader* and *The Courier-Journal*, timely published the notice on April 30, May 7, and May 14, 2025.⁸ In addition, KU argued that despite the deviations noted above, notice was published in each county and in a timely manner in the two newspapers of largest circulation in Kentucky, meeting KU's substantial compliance with the Commission's regulation of the notice requirement.⁹

LEGAL STANDARD

Commission regulation 807 KAR 5:011, Section 8(2)(b)(3) states that if a utility has more than twenty customers, it shall provide notice by publishing notice once a week for three 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 tariff filing is submitted to the commission. Commission regulation 807 KAR 5:001, Section 15 permits the Commission to grant deviations upon a showing of good cause.

DISCUSSION AND FINDINGS

Having reviewed the motion and being otherwise sufficiently advised, the Commission grants KU's motion for a deviation and finds that KU has provided good cause to deviate from the notice requirements of 807 KAR 5:011, Section 8(2)(b)(3), pursuant to 807 KAR 5:011, Section 15. Although KU requested publication of notice in a timely manner, and through no fault of KU, several newspapers published notice late.

⁸ Exhibit A at 6.


⁹ Motion at 3.

However, the newspapers still published within a week of April 30, 2025. Considering this particular circumstance, the Commission does not believe that any customer would be prejudiced by this one week delay in notice, and further believes that KU has substantially complied with the regulation.


IT IS THEREFORE ORDERED that KU's motion for a deviation from 807 KAR 5:011 Section 8(2)(b)(3) for good cause is granted.

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PUBLIC SERVICE COMMISSION


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Vice Chairman


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