

**Goss  
Samford**

ATTORNEYS AT LAW | PLLC

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January 9, 2019

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PUBLIC SERVICE  
COMMISSION

*Via Hand-Delivery*

Gwen R. Pinson, Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602

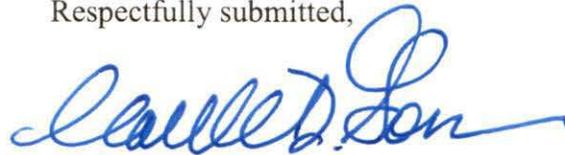
Re: *In the Matter of: A Review of the Rate Case Procedure for Electric Distribution Cooperatives*  
**Case No 2018-00407 – Comments of Goss Samford, PLLC**

Executive Director Pinson:

Consistent with the Commission's Order entered in the above-referenced matter on December 11, 2018, please find enclosed and accept for filing an original and ten (10) copies of Comments on behalf of Goss Samford, PLLC.

Please return a file-stamped copy of this submission to my office, and please do not hesitate to contact me if you have any questions or concerns.

Respectfully submitted,



Mark David Goss

Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

A REVIEW OF THE RATE CASE	)	
PROCEDURE FOR ELECTRIC	)	CASE NO. 2018-00407
DISTRIBUTION COOPERATIVES	)	

**COMMENTS OF GOSS SAMFORD, PLLC**

Comes now Goss Samford, PLLC (the "Firm"), by and through its undersigned member, and pursuant to the Commission's Order entered in the above-styled matter on December 11, 2018 ("Order"), respectfully submits the following comments:

The Commission's Order establishes a pilot program for the purposes of reviewing and streamlining rate case procedures for the nineteen (19) Commission-regulated electric distribution cooperatives ("Distribution Cooperatives") serving the Commonwealth. The Commission's Order also invites any interested party to file comments regarding the proposed pilot program on or before January 10, 2019. In an effort to promote the efficient and effective implementation of the pilot program, and consistent with its role as counsel for several Distribution Cooperatives in matters before this Commission, the Firm suggests the Commission consider making clarifications to certain portions of the Order as follows:

1. Based on the Order at page 4, the version of the public notice to be posted publicly at the Distribution Cooperative's place of business and on its website should be the "full" version, which presumably should reflect all the content required by 807 KAR 5:001 Section 17(4). Subsection (j) of Section 17(4) requires "a statement that if the commission does not receive a written request for intervention within thirty (30) days

of initial publication or mailing of the notice, the commission may take final action on the application.” It would appear this language may be problematic if the Commission prescribes a shorter timeframe for requesting intervention in the procedural order it enters once a streamlined case is filed.<sup>1</sup> Moreover, because the Order requires that each notice (both full and abbreviated) contain a statement that “the Commission is required to take action within 75 days of the date the application is filed,”<sup>2</sup> the thirty (30) day timeframe set forth in Section 17(4)(j) may cause unnecessary confusion. In light of these concerns, the Firm respectfully recommends that the Commission make clear whether 807 KAR 5:001 Section 17(4)(j) should be included in full notices posted by Distribution Cooperatives as part of streamlined rate cases. In that same vein, the Firm also respectfully recommends clarification concerning whether “information regarding the member’s right to request intervention,” which Distribution Cooperatives must include in abbreviated notices in streamlined cases,<sup>3</sup> should reflect the requirements of both subsection (i)<sup>4</sup> and subsection (j) of Section 17(4), or perhaps just the former.

2. The Order at page 7 purports to waive 807 KAR 5:001 Section 16(4)(c), which it describes as “written testimony or statement that utility will not use a witness if the rate increase is less than \$5,000,000.” However, the referenced subsection (c) as actually written is only applicable to utilities with “gross annual revenues” less than \$5,000,000; while Section 16(4)(b) does pertain to utilities with gross annual revenues more than

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<sup>1</sup> See Order, at p. 6.

<sup>2</sup> See Order, at p. 4.

<sup>3</sup> *Id.*

<sup>4</sup> This subsection requires notices to include “[a] statement that a person may submit a timely written request for intervention to the Public Service Commission, Post Office Box 615, Frankfort, Kentucky 40602, establishing the grounds for the request including the status and interest of the party.” 807 KAR 5:001 Section 17(4)(i).

\$5,000,000 (*i.e.*, all Distribution Cooperatives), it does not contemplate the amount of the rate increase requested and is not mentioned in the Order. The Firm respectfully recommends that the Commission provide clarification with respect to this matter in order to promote the interests of all parties involved.

The Firm respects the Commission's stated goals for implementation of this streamlined procedure, appreciates the opportunity to submit these comments and values its supportive role in the continued provision of safe, efficient, and reliable service by the Commonwealth's Distribution Cooperatives.

Dated this 9<sup>th</sup> day of January, 2019.

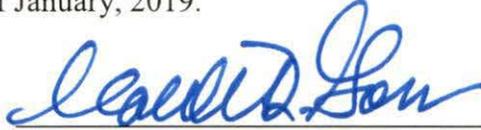
Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Mark David Goss", written over a horizontal line.

Mark David Goss  
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**CERTIFICATE OF SERVICE**

Pursuant to 807 KAR 5:001 Section 6, the undersigned certifies that a copy of this document has been deposited into the custody and care of the U.S. mail for service upon each of the recipients listed below, on this 9<sup>th</sup> day of January, 2019.



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