

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

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's Order entered on March 16, 2020 (March 16, 2020 Order), *inter alia*, directed utilities to temporarily cease disconnections for nonpayment, waive all late payment charges, and urged utilities to offer lenient payment plans for current unpaid balances.<sup>1</sup> The March 16, 2020 Order also temporarily relieved utilities from several regulatory requirements, such as filing certain reports,<sup>2</sup> and directed utilities to request relief from the Commission if a utility's tariff interfered with efforts to address the pandemic.<sup>3</sup>

The Commission, on September 21, 2020, by lifting the moratorium on service disconnections, began rolling back the emergency measures established in this docket. The state of emergency caused by the pandemic is thankfully waning, and the Commission has determined that it is time to rollback further of its emergency actions.

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<sup>1</sup> Order at 3–5 (Ky. PSC Mar. 16, 2020).

<sup>2</sup> *Id.* at 6–7.

<sup>3</sup> *Id.* at 8.

In the March 16, 2020 Order,<sup>4</sup> the Commission granted utilities deviation from the requirements of the following regulations: 807 KAR 5:006, Section 4(4);<sup>5</sup> 807 KAR 5:006, Section 4(5);<sup>6</sup> 807 KAR 5:006, Section 9;<sup>7</sup> 807 KAR 5:006, Section 7(5)(b);<sup>8</sup> 807 KAR 5:006, Section 11(3);<sup>9</sup> 807 KAR 5:006, Section 14(1)(a),(b), and (c);<sup>10</sup> and 807 KAR 5:006, Section 26.<sup>11</sup> The Commission also temporarily relieved utilities, where applicable, from the annual reporting and testing required by meter testing and inspection deviation plans approved by the Commission.<sup>12</sup>

The Commission, in the March 16, 2020 Order, also relieved parties from several filing requirements relating to physical documents: 807 KAR 5:001, Section 7(1); 807 KAR

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<sup>4</sup> Order at 9 (Ky. PSC Mar. 16, 2020).

<sup>5</sup> Report of meters, customers, and refunds. Each gas, electric, or water utility shall file quarterly either a Quarterly Meter Report-Electric, Quarterly Meter Report, or a Quarterly Meter Report-Electric-Gas-Water, of meter tests, number of customers, and amount of refunds.

<sup>6</sup> Report of terminations for nonpayment of bills. Each water, electric, or gas utility shall file either the Water Utility Non-Payment Disconnection/Reconnection Report, Electric Utility Non-Payment Disconnection/Reconnection Report, or Gas Utility Non-Payment Disconnection/Reconnection Report, annually to report the number of residential accounts terminated for nonpayment. These reports shall be filed no later than August 15 and shall cover the period ending June 30.

<sup>7</sup> This relates to the calculation and assessment of non-recurring charges.

<sup>8</sup> Requiring that each customer-read meter shall be read manually, at least once during each calendar year.

<sup>9</sup> Relating to bill adjustments for gas, electric, and water utilities, including the requirement to monitor customer usage at least quarterly.

<sup>10</sup> Relating to a utility's requirement to post and maintain regular business hours and provide representatives available to assist its customers and to respond to inquiries from the commission regarding customer complaints.

<sup>11</sup> Relating to a utility's requirement to inspect periodically its system. This did not relieve natural gas utilities from the inspection requirements of 49 C.F.R. Part 192 Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards.

<sup>12</sup> Order at 2–3(Ky. PSC Dec. 21, 2020).

5:001, Section 8(12)(a)(2); 807 KAR 5:063; and 807 KAR 5:001 Section 8(7)(c).<sup>13</sup> The Commission encouraged all parties with existing cases to convert their cases to electronic cases,<sup>14</sup> required utilities filing applications pursuant to 807 KAR 5:063 to file the applications electronically,<sup>15</sup> later stated that it expected all parties to convert current non-electronic cases to electronic cases, and to participate in cases electronically.<sup>16</sup> The Commission further required the filing of any physical documents within 30 days of the Governor lifting the state of emergency.<sup>17</sup>

The Commission finds that beginning August 16, 2021, utilities will no longer receive deviations from 807 KAR 5:006, Section 4(4); 807 KAR 5:006, Section 4(5); 807 KAR 5:006, Section 9; 807 KAR 5:006, Section 7(5)(b); 807 KAR 5:006, Section 11(3); and 807 KAR 5:006, Section 26. Utilities will still be allowed a deviation 807 KAR 5:006, Section 14(1)(a),(b), and (c), which requires, *inter alia*, that a utility maintain certain business hours for the public.

The Commission finds that beginning August 16, 2021, utilities, as applicable, shall resume the annual reporting and testing required by meter testing and inspection deviation plans approved by the Commission.

The Commission also finds that utilities should not have to file the documents required by 807 KAR 5:001, Section 7(1); 807 KAR 5:001, Section 8(12)(a)(2); 807 KAR

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<sup>13</sup> Order at 8 (Ky. PSC Mar. 16, 2020).

<sup>14</sup> *Id.* at 5

<sup>15</sup> *Id.* at 6.

<sup>16</sup> Order at 1-2 (Ky. PSC Mar. 24, 2020).

<sup>17</sup> Order at 8 (Ky. PSC Mar. 16, 2020).

5:063; and 807 KAR 5:001 Section 8(7)(c) for case filings made since the Commission initially suspended the filing requirements on March 16, 2021. The Commission further finds that utilities should continue to utilize electronic filing procedures found in 807 KAR 5:001, Section 8, except that parties to any electronic case should be granted a permanent deviation from the filing requirement in that section that requires a paper copy be filed with the Commission<sup>18</sup> or other parties to that case.<sup>19</sup>

The Commission, as of the date of entry of this Order, will mandate the use of the electronic filing procedures found in 807 KAR 5:001, Section 8, except for *pro se* formal complaints filed against utilities. The Commission intends to formally amend 807 KAR 5:001 to, *inter alia*, reflect this requirement. For all other filings, the filers should continue to follow the filing instructions set out in the March 16, 2020, and March 24, 2020 Orders in the proceeding.

As noted in the Commission's March 16, 2020 Order, any questions, concerns, or relief may be addressed upon motion in this docket or informally through the electronic mail inbox of the Commission's Executive Director.<sup>20</sup> As in the March 16, 2020 Order establishing this proceeding, a utility should petition the Commission for relief from its tariff or Commission regulations or statutes that the utility believes would prevent the utility from achieving the dictates of this or any other related Order.

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<sup>18</sup> 807 KAR 5:001, Section 8(12)(a)(2).

<sup>19</sup> 807 KAR 5:001, Section 8(7)(c).

<sup>20</sup> [PSCED@ky.gov](mailto:PSCED@ky.gov)

IT IS THEREFORE ORDERED that:

1. Utilities, on and after August 16, 2021, no longer are granted a deviation from: 807 KAR 5:006, Section 4(4); 807 KAR 5:006, Section 4(5); 807 KAR 5:006, Section 9; 807 KAR 5:006, Section 7(5)(b); 807 KAR 5:006, Section 11 (3); and 807 KAR 5:006, Section 26.

2. Utilities, on and after August 16, 2021, and as applicable, shall resume the annual reporting and testing required by meter testing and inspection deviation plans approved by the Commission.

3. Filers, for case filings made on and after March 16, 2020, shall not be required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8.

4. The electronic filing procedures listed in 807 KAR 5:001, Section 8, are mandatory, except for *pro se* formal complaints, for all cases coming before the Commission.

5. Nothing prevents the Commission from entering further orders in this matter.

By the Commission



ATTEST:

  
Executive Director

