

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
A (1) CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY FOR THE CONSTRUCTION OF)	CASE NO.
TRANSMISSION FACILITIES IN MADISON)	2022-00314
COUNTY, KENTUCKY; AND (2) DECLARATORY)	
ORDER CONFIRMING THAT A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY IS)	
NOT REQUIRED FOR CERTAIN FACILITIES)	

ORDER

A hearing in the above-styled matter was held on Tuesday, January 24, 2023, at 9:00 a.m. At the conclusion of the witness testimony, staff counsel requested to file post-hearing requests for information, and counsel for East Kentucky Power Cooperative Inc. (EKPC) requested the opportunity to file a post-hearing brief after the responses to the requests for information had been filed.

From the bench, the Commission ruled upon EKPC's January 23, 2023 motion for deviation. EKPC requested the Commission grant a deviation from the notice requirement in 807 KAR 5:001E, Section 9(2)(b)(2). EKPC stated that it made a request on January 12, 2023, to the Kentucky Press Association for notice of the hearing to be published in the *Richmond Register*, *Lexington Herald-Leader*, *Covington Kentucky Enquirer*, and the *Louisville Courier Journal* to be published on January 17, 2023. The Kentucky Press Association reported the *Louisville Courier Journal* only publishes notice on certain days, and the notice for this hearing was not published until January 18, 2023.

The Kentucky Press Association also reported that the notice in the *Richmond Register* was blurry on January 17, 2023, but was published again on January 19, 2023.

The Commission finds good cause exists to grant EKPC's motion to deviate from the requirements in 807 KAR 5:001E, Section 9(2)(b)(2). EKPC published notice in advance of the hearing so public was not denied adequate notice. There are no intervenors in the case and no public comments have been filed. Additionally, the statutory and regulatory requirements for the grant of a Certificate of Public Convenience and Necessity (CPCN) required EKPC to notify parties in the proposed right-of-way of the proceedings, including the docket number assigned by the Commission. This notice, along with the published newspaper notice, ensures that all potentially interested parties were aware of the scheduled hearing.¹

IT IS THEREFORE ORDERED that:

1. EKPC's January 23, 2023 motion for deviation from the notice requirements is granted.
2. Post-hearing requests for information, if any, shall be filed on or before January 26, 2023.
2. Responses to post-hearing requests for information shall be filed on or before February 2, 2023.
3. EKPC may file a memorandum brief in support of its post-hearing position on or before February 10, 2023.

¹ The Commission notes the difference in the notice requirements for a Certificate for Public Convenience and Necessity (CPCN) for a transmission line as opposed to a natural gas pipeline. See Case No. 2019-00274, *In the Matter of Bernheim Arboretum and Research Forest v. Louisville Gas and Electric Company* (Ky. PSC. Dec. 20, 2019.).

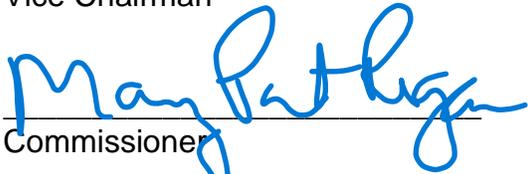
4. This case shall stand submitted for a decision by the Commission effective 12:01 a.m. Eastern Standard Time, February 11, 2023.

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PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

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