

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR (1) AN ADJUSTMENT OF)	
ELECTRIC RATES; (2) APPROVAL OF NEW)	CASE NO.
TARIFFS; (3) APPROVAL OF ACCOUNTING)	2022-00372
PRACTICES TO ESTABLISH REGULATORY)	
ASSETS AND LIABILITIES; AND (4) ALL OTHER)	
REQUIRED APPROVALS AND RELIEF)	

ORDER

On July 15, 2024, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a motion for relief, waiver, and expedited treatment (Motion). The Commission issued a final Order on rehearing in this matter on July 1, 2024. In the July 1, 2024 Order, the Commission required Duke Kentucky to refund customers of “all amounts collected from that customer in excess of the rates approved” within 45 days.¹ According to Duke Kentucky’s motion, the Commission subsequently issued a *nunc pro tunc* Order on July 10, 2024.² The July 10, 2024 Order adjusted the final rates Duke Kentucky was ordered to charge its customers but did not amend or address the period Duke Kentucky had to issue refunds.

Duke Kentucky acknowledged that, based on the rates being charged currently, a refund will be issued.³ Duke Kentucky requested that the company be allowed the full 60-day period permitted pursuant to KRS 278.190(4) to issue any applicable refunds in

¹ Order (Ky. PSC July 1, 2024) at 13, ordering paragraph 6.

² Duke Kentucky’s Motion at 2; Order (Ky. PSC July 10, 2024).

³ Duke Kentucky’s Motion at 4.

order to ensure that the refunds are accurate and appropriate.⁴ In its motion, Duke Kentucky asked that the 60-day period be calculated from the most recent Order affecting rates, the July 10, 2024 Order.⁵ Duke Kentucky also requested that the Commission issue an Order as expeditiously as possible.⁶

Having reviewed the Motion and the record, the Commission finds that Duke Kentucky's Motion should be granted. The Commission agrees that the July 10, 2024 Order directly impacted the rates as well as the calculation of any refund that Duke Kentucky must issue. However, the Commission does not agree with Duke Kentucky's interpretation that KRS 278.190 requires the Commission to grant 60 days to make the refund. The statute states that the utility shall make the refund "within 60 days".⁷ The Commission agrees that a 60-day extension is appropriate in this matter. As a consequence of granting Duke Kentucky's Motion, the Commission further finds that the report due to the Commission subsequent to the refunds, pursuant to the July 1, 2024 Order,⁸ should be due 120 days after the July 10, 2024 Order.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion is granted.
2. Duke Kentucky shall refund customers all amounts collected from that customer in excess of approved rates within 60 days of the July 10, 2024 Order issued by the Commission.

⁴ Duke Kentucky's Motion at 5.

⁵ Duke Kentucky's Motion at 5.

⁶ Duke Kentucky's Motion at 6.

⁷ KRS 278.190(4).

⁸ Order (Ky. PSC Jul. 1, 2024) at 13, ordering paragraph 7.

3. Duke Kentucky shall file the report related to the refunds as ordered in the July 1, 2024 Order within 120 days of the July 10, 2024 Order.

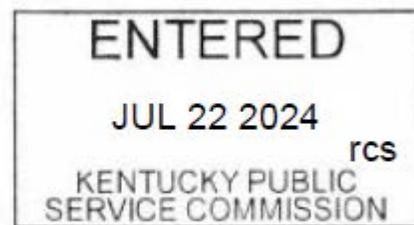
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