

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF	)	
KENTUCKY UTILITIES COMPANY AND	)	
LOUISVILLE GAS AND ELECTRIC COMPANY	)	
FOR CERTIFICATES OF PUBLIC CONVENIENCE	)	CASE NO.
AND NECESSITY AND SITE COMPATIBILITY	)	2022-00402
CERTIFICATES AND APPROVAL OF A DEMAND	)	
SIDE MANAGEMENT PLAN AND APPROVAL OF	)	
FOSSIL FUEL-FIRED GENERATING UNIT	)	
RETIREMENTS	)	

ORDER

This matter arises upon pending motions to deviate from filing requirements and motions to amend the procedural schedule.

MOTION TO DEVIATE FROM FILING REQUIREMENTS

On May 4, 2023, Kentucky Utilities Company (KU) and Louisville Gas and Electric Company (LG&E) (jointly, LG&E/KU) jointly filed a request to deviate from the filing requirements established in 807 KAR 5:001E, Section 8(2), (4), and (6), and in Case No. 2022-00311<sup>1</sup> regarding processing zip files that exceed 50 MB filed through the Commission's electronic filing system.

In Case No. 2022-00311, the Commission, among other things, granted a deviation from the file and session sizes contained in 807 KAR 5:001, Section 8(6), pending revisions of the relevant Commission regulations. Pursuant to Case No. 2022-

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<sup>1</sup> Case No. 2022-00331, *Electronic Review of Electronic Filing Procedures in 807 KAR 5:001, Section 8(2), (4), and (6)* (Ky. PSC Oct. 6, 2022).

00311, file formats greater than 50 MB that cannot be split into a smaller size may be filed as zip files. Additional, electronic filers with questions regarding file formats, file and session sizes, and related electronic filing questions were encouraged to contact Commission Staff in the Filings Branch for assistance before tendering a motion to deviate from filing requirements.

In its motion, LG&E/KU asserted that its response to Metropolitan Housing Coalition, Kentuckians for the Commonwealth, Kentucky Solar Energy Society, and Mountain Association's (collectively, Joint Intervenors) Second Request for Information (Joint Intervenors' Second Request), Item 2.60, consisted of multiple attachments contained in a zip file that exceeded 50 MB. LG&E/KU stated that, consistent with the process established in Case No. 2022-00311, they contacted Commission Filings Branch Staff for assistance, but were unable to reduce the files to less than 50 MB without losing the file functionality. LG&E/KU requested to deviate from the electronic filing requirements by filing the response on a thumb drive, which LG&E/KU tendered to the Commission on May 4, 2023.

Based upon a review of the motion and case record, the Commission finds that LG&E/KU's motion to deviate should be denied as moot. This is because, once Commission Staff received the thumb drive, Commission Staff was able to upload the files to the electronic filing system, which negated the basis to deviate from the filing requirements. The Commission acknowledges that, due to system issues, Commission Staff can upload files internally to the electronic filing system that are larger than external users are able to upload through the external interface for the electronic filing system.

## INTERVENORS' PENDING MOTIONS TO AMEND THE PROCEDURAL SCHEDULE

On May 12, 2023, and May 16, 2023, Joint Intervenors, Sierra Club, and Louisville/Jefferson County Metro Government and Lexington-Fayette County Urban County Government (jointly, Metro Louisville/LFUCG) filed their respective motions requesting to amend the procedural schedule in this proceeding to allow for additional discovery and additional time for to file Intervenor witness testimony. Each of the motions was predicated on LG&E/KU's filing a separate proceeding requesting approval of the retirement of certain fossil-fuel generation facilities that was subsequently consolidated into this proceeding.

Based upon a review of the motions and case record, the Commission finds that Joint Intervenors', Sierra Club's, and Metro Louisville/LFUCG's respective motions to amend the procedural schedule established on January 6, 2023, should be denied as moot. This is because the Commission entered an Order on May 16, 2023, that consolidated Case No. 2023-00122 into this proceeding and amended the existing procedural schedule to allow for additional discovery and extended the time for the parties to file their respective witness testimony, which negated the basis for the pending motions.

IT IS THEREFORE ORDERED that:

1. LG&E/KU's May 4, 2023 motion to deviate from electronic filing requirements is denied as moot.
2. Joint Intervenors' May 12, 2023 motion to amend the January 6, 2023 procedural schedule is denied as moot.

3. Sierra Club's May 16, 2023 motion to amend the January 6, 2023 procedural schedule is denied as moot.

4. Metro Louisville/LFUCG's May 16, 2023 motion to amend the January 6, 2023 procedural schedule is denied as moot.

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PUBLIC SERVICE COMMISSION

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Chairman

*Ad*  
Vice Chairman

*Mary Pat Regan / AH with permission*  
Commissioner

ENTERED  
MAY 24 2023 bsb  
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