

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILINGS OF LOUISVILLE	)	
GAS AND ELECTRIC COMPANY AND	)	
KENTUCKY UTILITIES COMPANY TO REVISE	)	
PURCHASE RATES FOR SMALL CAPACITY AND	)	CASE NO.
LARGE CAPACITY COGENERATION AND	)	2023-00404
POWER PRODUCTION QUALIFYING FACILITIES	)	
AND NET METERING SERVICE-2 CREDIT	)	
RATES	)	

ORDER

On December 15, 2023, Louisville Gas and Electric Company (LG&E) and Kentucky Utilities Company (KU) (collectively, LG&E/KU) jointly filed a motion, pursuant to 807 KAR 5:011, Section 15, to deviate from 807 KAR 5:011, Section 8(b)(3), notice requirements for tariff filings, which allow notice by “[p]ublishing notice once a week for three (3) consecutive weeks in a prominent manner in a newspaper of general circulation in the utility's service area, the first publication to be made no later than the date the tariff filing is submitted to the commission.”

LG&E/KU stated that due to an error by Kentucky Press Service, an organization that acts on behalf of newspapers of general circulation throughout Kentucky, six newspapers out of 97 did not publish compliant notices. LG&E/KU stated that three newspapers, *Columbia Adair County Community Voice*, *Harlan Enterprise*, and *Middlesboro Daily News*, published the first of the three notices one to two days after the tariff filing date, but each filed three notices. LG&E/KU noted that the notice was published in compliance with 807 KAR 5:011, Section 8(b)(3), in newspapers in the same

three counties as those newspapers that failed to comply with the regulation, namely the *Columbia Adair Progress*, *Cumberland Tri-City News*, and *Pineville Sun*.

LG&E/KU also stated that due to an error by Kentucky Press Service, three newspapers, *The Advocate Messenger* (Danville), *Lexington Herald-Leader*, and *Winchester Sun*, incorrectly indicated the notice applied to LG&E customers instead of KU customers. Each of these three newspapers filed the correct notice on the third publishing of notice.

Having considered the motion and being advised, the Commission finds that LG&E/KU's motion for deviation pursuant to 807 KAR 5:011, Section 15, should be granted, in part, as good cause has been demonstrated. The failure of compliant notice was through no fault of LG&E/KU's and requiring re-filing of the tariff and re-publishing notice would be unnecessarily burdensome. Proper notice was published in 91 out of 97 newspapers.<sup>1</sup> The late notices were still published for three consecutive weeks and were duplicated in other local papers in a timely manner. The tariffs' effective date has subsequently been suspended until May 31, 2024, so customers will have sufficient time to review the tariff filings.

The Commission, however, finds that because notice directed to KU customers was only published once in *The Advocate Messenger* (Danville), *Lexington Herald-Leader*, and *Winchester Sun*, that notice to KU customers should be re-published in those

---

<sup>1</sup> See Case No. 2015-00234, *An Examination of the Application of the Fuel Adjustment Clause of Kentucky Utilities Company from November 1, 2014 Through April 30, 2015* (Ky. PSC Dec. 4, 2015), Order, in which a deviation was granted when, through no fault of the utility, two of 92 newspapers failed to run notice.

newspapers again for three consecutive weeks to ensure those customers receive notice that substantially complies with 807 KAR 5:011, Section 8(b)(3).

IT IS THEREFORE ORDERED that:

1. LG&E/KU's motion for deviation from 807 KAR 5:011, Section 8(b)(3), is granted.

2. LG&E/KU shall file notice directed to KU customers in *The Advocate Messenger* (Danville), *Lexington Herald-Leader*, and *Winchester Sun* for the consecutive weeks prior to March 1, 2024, and shall file proof of publishing of notice in the record of this case.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Vice Chairman

  
\_\_\_\_\_  
Commissioner

ENTERED  
JAN 30 2024 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
\_\_\_\_\_  
Executive Director For

\*Angela M Goad  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*John G Horne, II  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Randal A. Strobo  
Strobo Barkley PLLC  
239 South 5th Street  
Ste 917  
Louisville, KENTUCKY 40202

\*Ashley Wilmes  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KENTUCKY 40602

\*Honorable Kendrick R Riggs  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

\*Kentucky Utilities Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Honorable Allyson K Sturgeon  
Managing Senior Counsel - Regulatory &  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Larry Cook  
Assistant Attorney General  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Byron Gary  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KENTUCKY 40602

\*Matt Partymiller  
President  
Kentucky Solar Industries Association  
1038 Brentwood Court  
Suite B  
Lexington, KENTUCKY 40511

\*Sara Judd  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202

\*Honorable David Edward Spenard  
Strobo Barkley PLLC  
239 South 5th Street  
Ste 917  
Louisville, KENTUCKY 40202

\*J. Michael West  
Office of the Attorney General Office of Rate  
700 Capitol Avenue  
Suite 20  
Frankfort, KENTUCKY 40601-8204

\*Honorable W. Duncan Crosby III  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KENTUCKY 40202-2828

\*Michael Hornung  
Manager, Pricing/Tariffs  
Louisville Gas and Electric Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40202

\*Thomas J FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KENTUCKY 40602

\*Robert Conroy  
Vice President, State Regulation and Rates  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KENTUCKY 40202