

April 1, 2024

Ms. Linda C. Bridwell, P.E.  
Executive Director  
Kentucky Public Service Commission  
211 Sower Boulevard  
Frankfort, KY 40602

Re: *Cumberland Valley Electric Proposed Tariff Revision*

Dear Ms. Bridwell:

Please find enclosed for filing with the Commission Cumberland Valley Electric's revised Page 29 of our Tariff, Rules and Regulations and Motion for Deviation. Cumberland Valley Electric is proposing a minor language change to the Temporary Service Section.

This is to certify that the electronic filing has been transmitted to the Commission on April 1, 2024 and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

  
Brittany Hayes Koenig

Enclosures

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**IN THE MATTER OF:**

ELECTRONIC APPLICATION OF	)	
CUMBERLAND VALLEY ELECTRIC	)	
TO	)	TARIFF NO.
REVISE ITS TARIFF	)	

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**MOTION FOR DEVIATION**

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Comes now Cumberland Valley Electric, (“Cumberland Valley”) by and through the undersigned counsel, pursuant to 807 KAR 5:001, Section 15 and other applicable law, and as grounds for its Motion for Deviation in the above-styled proceeding respectfully states as follows:

1. On March 25, 2024, Cumberland Valley filed through the tariff filing system to revise its First Revised Sheet No. 29 of its Tariff (“Tariff”), page 29 of its Rules and Regulations (“Application TFS2024-00113”). The purpose of tariff filing TFS2024-00113 was to clarify the Service Charge for Temporary Service section of its Tariff..
2. The Commission entered a letter on March 28, 2024, rejecting Cumberland Valley’s tariff filing TFS2024-00113.
3. Cumberland Valley states that its original tariff filing was filed on March 25, 2024, to provide the Commission with 30 days’ notice for an April 25, 2024 effective date.
4. The letter entered into the record, rejected Cumberland Valley’s March 25, 2024, tariff filing, TFS2024-00113, and therefore, Cumberland Valley submits a new tariff filing attached, with the proposed effective date of May 1, 2024.

5. Cumberland Valley moves the Commission to allow Cumberland Valley’s revised tariff to take effect May 1, 2024, and allow Cumberland Valley a deviation from 807 KAR 5:011, Section 8 that requires notice be given if a charge, fee, condition of service, or rule regarding the provision of service is changed, revised, or initiated and the change will affect the amount that a customer pays for service or the quality, delivery, or rendering of service. The Commission has indicated that the proposed revision is “adding conditions of service to the tariff that would affect the quality, delivery, or rendering of service.” Cumberland Valley does not agree that any conditions of service are being added, however Cumberland Valley has provided public notice of the changes on its website and at their office. Cumberland Valley requests that the Commission grant deviation, pursuant to 807 KAR 5:011, Section 15, from 807 KAR 5:011, Section 8(2)(b), which sets forth the acceptable methods of notice to customers and to accept the notice on its website and at its office as compliance with 807 KAR 5:001, Section 8(2)(b).

6. The proposed addition consists of adding the following text to the section on “Service Charge for Temporary Service”:

“An approved electrical inspection will be required prior to a temporary service being connected, temporary service installations shall not exceed 12 months, after which time the service will be disconnected. Extensions may be granted at the cooperative's discretion if allowed by local ordinance.”

7. Cumberland Valley Electric wants to make sure its members understand that temporary services require an approved electrical inspection, and clarify that this service is meant to be temporary in nature and not a permanent installation.

8. Cumberland Valley Electric’s policy has been to require an electrical inspection prior to granting temporary service as part of offering safe and reliable service, and wanted to

make sure it is in its tariff. The proposed change does not add a charge or cost to a member's bill and therefore, traditional notice requirements are not applicable, as referenced in 807 KAR

5:011Sec.8(4) (b), which explains the notice should include;

- (b) The present rates and proposed rates for each customer classification to which the proposed rates will apply;
- (c) The amount of the change requested in both dollar amounts and percentage change for each customer classification to which the proposed rates will apply;
- (d) The amount of the average usage and the effect upon the average bill for each customer classification to which the proposed rates will apply;

9. Placing public notice in *Kentucky Living* at the soonest opportunity could not take place until June based upon the timing of the rejection letter and the deadlines required to publish notice in *Kentucky Living*. Publication in *Kentucky Living* is the most economical option, additionally, notice of the changes proposed only affects a small subset of members, making it unreasonable to place the burden of the cost of publishing full notice in local newspapers upon all of Cumberland Valley's members. Placing public notice of the proposed changes on its website and at its offices will sufficiently comply with the intent of the notice requirement, as Cumberland Valley's members are just as likely, if not more likely to view the notice on its website or at its offices, as, for example, the member is paying their bill or contacting Cumberland Valley for other reasons, as they are likely to view the notice in a local newspaper or *Kentucky Living*.

10. Because the proposed revisions do not add any requirements, Cumberland Valley is not changing or initiating a charge, fee or rule regarding the provision of service that will affect the amount that a customer pays for service or the quality, delivery, or rendering of a customer's service.<sup>1</sup> However, because the Commission disagrees, Cumberland Valley requests a deviation as allowed pursuant to 807 KAR 5:011 Section 15, for good cause, from the customer notice

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<sup>1</sup> 807 KAR 5:011, Section 8.

requirements contained in 807 KAR 5:011 Section 8 and allow the posting of customer notice at its office as well as on its website to be sufficient customer notice.

WHEREFORE, based on the foregoing, Cumberland Valley requests a deviation of the notice requirement in 807 KAR 5:011 Section 8(2)(b) pursuant to 807 KAR 5:001, Section 15.

Dated this 1<sup>st</sup> day of April 2024.

Respectfully submitted,

  
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*Counsel for Cumberland Valley Electric*

**CERTIFICATE OF SERVICE**

This is to certify that foregoing electronic filing was transmitted to the Commission on April 1, 2024; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, no paper copies of the filing will be made.

  
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*Counsel for Cumberland Valley Electric*

## **PUBLIC NOTICE**

On April 1, 2024, Cumberland Valley Electric filed with the Kentucky Public Service Commission ("Commission"), a tariff revision. The proposed effective date for the tariff is May 1, 2024, which may be pushed back due to the timing of this notice. The proposed revision is for Page 29 of our Rules and Regulations. Cumberland Valley Electric is proposing a minor language change to the Temporary Service Section, adding the following language:

“An approved electrical inspection will be required prior to a temporary service being connected. Temporary service installations shall not exceed 12 months, after which time the service will be disconnected. Extensions may be granted at the cooperative's discretion if allowed by local ordinance.”

Cumberland Valley Electric wants to make sure our members understand that temporary services require an approved electrical inspection, and this service is meant to be temporary in nature and not a permanent installation.

You may examine this tariff filing at the offices of Cumberland Valley Electric located at 6219 US-25 E, Gray, KY 40734. This tariff filing may also be examined at the offices of the Commission located at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m., or through the Commission's Web site at <http://psc.kv.gov>. Any comments regarding this tariff filing may be submitted to the Commission through its Web site or by mail to the Public Service Commission, P. O. Box 615, Frankfort, Kentucky 40602.

The proposals contained in this notice are the items being proposed by Cumberland Valley Electric, however, the Commission may order wording that differs from the proposed changes contained in this notice. The proposed tariff does not amend or revise existing rates of Cumberland Valley Electric and does not include any proposed new rates for Cumberland Valley Electric. Consequently, an analysis of the amount of change in dollars and percentage change or the effect upon an average bill for each customer classification is not provided.

A person may submit a timely written request for intervention to the Commission, P. O. Box 615, Frankfort, Kentucky 40602, establishing the grounds for the request including the status and interest of the party. If the Commission does not receive a written request for intervention within thirty (30) days of the initial publication or mailing of the notice, the Commission may take final action on the tariff filing.

CUMBERLAND VALLEY ELECTRIC, INC.

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**Rules and Regulations**

**14. Service Charge for Temporary Service**

Consumers requiring temporary service may be required to pay all cost of connecting and disconnecting incidental to the supplying and removing of service. In addition to this, a payment will be required to cover estimated consumption of electricity. Both fees paid in advance and the amount paid for electricity will be adjusted to actual usage either by a refund or additional billing to such temporary consumer. This rule applies to carnivals, fairs, buildings or structures under construction which will not be permanently served or any other service of a strictly temporary nature. An approved electrical inspection will be required prior to a temporary service being connected. Temporary service installations shall not exceed 12 months, after which time the service will be disconnected. Extensions may be granted at the cooperative's discretion if allowed by local ordinance.

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**C. Meters**

**15. Meter Tests**

All new meters shall be checked for accuracy before installation. The Cooperative will, at its own expense, make periodical test and inspections of its meters in order to maintain a high standard of accuracy and to conform with the regulations of the Public Service Commission. The Cooperative will make additional tests of meters at the request of the member, provided the member does not request such test more frequently than once in twelve (12) months and upon payment of a test fee of Thirty Dollars (\$30.00), when the test made at the member's request shows that the meter is accurate within 2% slow or fast, no adjustment will be made to the member's bill and the fee paid will be forfeited to cover cost of requested test. When the test shows the meter to be in excess of 2% fast or slow, an adjustment shall be made to the member's bill by recalculating the monthly bills for the period of time that it is known that the meter has been fast or slow; however, if that period of time is not the time period shall be estimated using such data as elapsed time since the last meter test, if applicable, and historical usage data for the customer. If that data is not available, the average usage of similar customer loads shall be used for comparison purposes in calculating the time period. If the customer and the utility are unable to agree on an estimate of the time period during which the error existed, the commission shall determine the issue.

**16. Failure of Meter to Register**

In the event a member's meter should fail to register, the member shall be billed from the date of such failure at the average consumption of the member based on the three (3) months period immediately preceding the failure.

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DATE OF ISSUE March 1, 2001 ~~March 1, 2001~~ April 1, 2024

DATE EFFECTIVE March 1, 2001 ~~March 1, 2001~~ May 1, 2024

ISSUED BY /S/ Ted Hampton  
President & Chief Executive Officer

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

CUMBERLAND VALLEY ELECTRIC, INC.

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