

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF CUMBERLAND)	
VALLEY ELECTRIC, INC. FOR A DEVIATION)	CASE NO.
FROM THE NOTICE REQUIREMENTS IN 807)	2024-00088
KAR 5:011, SECTION 8(2)(B))	

ORDER

On March 25, 2024, Cumberland Valley Electric (Cumberland Valley) filed a motion for deviation from customer notice requirements via the online tariff filing system.¹ Cumberland Valley filed proposed tariff revisions that would require customers seeking temporary service to have an electrical inspection prior to the service being connected. Cumberland Valley also added proposed language that would clarify that temporary service shall not exceed 12 months, with extensions granted at Cumberland Valley's discretion if allowed by local ordinance. Cumberland Valley did not provide customer notice of the changes or request a deviation from the notice requirements in 807 KAR 5:011, Section 8. Therefore, the filing was rejected.

On April 1, 2024, Cumberland Valley refiled the proposed tariff, including a motion for deviation. Cumberland Valley proposed May 1, 2024, as an effective date. In its motion for deviation, Cumberland Valley argued that the revision does not add conditions of service or a charge or cost to a member's bill, and therefore traditional notice requirements contained in 807 KAR 5:011, Section 8, do not apply. Cumberland Valley

¹ TFS2024-00150, P.S.C., First Revised Sheets No. 29 (filed April 1, 2024).

did prepare a notice and posted it on its website and at its place of business. Cumberland Valley stated that publishing notice in the *Kentucky Living* magazine was the most economical option but that it would not be able to do so until June due to the *Kentucky Living* deadlines. In its accompanying motion for deviation, Cumberland Valley maintained that the changes do not “affect the amount that a customer pays for service or the quality, delivery or rendering of customer’s service.”² Cumberland Valley requested a deviation pursuant to 807 KAR 5:011, Section 15, for good cause from the customer notice requirement.³

Having reviewed the record and being fully advised, the Commission finds that Cumberland Valley’s motion for deviation from 807 KAR 5:011, Section 8, should be granted. However, the Commission disagrees with the assertion that these are not new terms of service or changes to service as asserted by Cumberland Valley. The Commission reiterates that Cumberland Valley may already be enforcing the proposed provisions, but that the proposed revisions are adding conditions of service to the tariff since they are not currently in the tariff. In this case the tariff only affects a small number of customers, and it would be unreasonable to place the burden of the cost of publishing full notice in local newspapers upon all customers. The Commission finds that posting notice on Cumberland Valley’s website and place of business will be sufficient.

² Motion for Deviation at 3, paragraph 10.

³ Motion for Deviation at 3, paragraph 10.

IT IS THEREFORE ORDERED that:

1. Cumberland Valley's motion for deviation from customer notice required by 807 KAR 5:011, Section 8(2)(b), is granted.
2. This case is closed and removed from the Commission's docket.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION

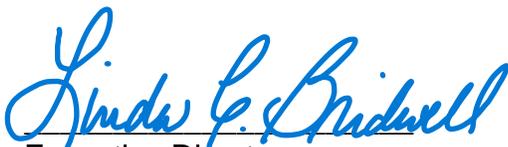

Chairman


Vice Chairman


Commissioner

ENTERED
APR 30 2024 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

*Brittany H. Koenig
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 6202
Lexington, KENTUCKY 40509

*Cumberland Valley Electric, Inc.
Highway 25E
P. O. Box 440
Gray, KY 40734