

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	
UTILITIES COMPANY FOR APPROVAL OF ITS)	CASE NO.
2025 COMPLIANCE PLAN FOR RECOVERY BY)	2025-00105
ENVIRONMENTAL SURCHARGE PLAN)	

ORDER

On March 28, 2025, Kentucky Utilities Company (KU) gave notice of its intent to file an application for approval of its 2025 Compliance Plan for Recovery by Environmental Surcharge Plan with the Public Service Commission no later than April 30, 2025, and to use the electronic filing procedures. On April 9, 2025, KU requested a deviation from the requirement of 807 KAR 5:011, Section 8(1)(a), to post customer notice at its place of business and the requirement of 807 KAR 5:011, Section 8(4)(e), to include in its customer notice a statement that a person may examine KU's tariff filing at its offices.¹

LEGAL STANDARD

Commission regulation 807 KAR 5:011, Section 8(1)(a) provides that a utility shall post at its place of business a copy of the notice no later than the date the application is submitted to the Commission. Additionally, Commission regulation 807 KAR 5:011 Section 8(4)(e) requires that within the notice a statement that a person may examine "this tariff filing at the offices of (utility name) located at (utility address)". The regulation

¹ KU's Motion for Deviation (Deviation Motion) (filed Apr. 9, 2025) at 1.

also contains a provision that states that “[I]n special cases, for good cause shown, the commission shall permit deviations from this administrative regulation.”²

MOTION

On March 28, 2025, KU notified the Commission of its intent to file an application no later than April 30, 2025, to request approval of an amended environmental compliance plan and a revised environmental surcharge to recover the costs of this amended plan.³

KU explained that the notice it will provide to customers will be fully adequate and comply with all other requirements of 807 KAR 5:011, Section 8.⁴ First, pursuant to 807 KAR 5:011, Section 8(1)(b), KU proposed to post on its website a copy of the customer notice and establish a hyperlink to the Commission’s website where the customer notice, application, and other filings will be available.⁵ KU also stated it will post the application, supporting testimony, and exhibits on its website.⁶ Additionally, pursuant to 807 KAR 5:011, Section 8(2)(b), KU will provide notice to its customers by newspaper publication of its proposals, the contents of which comply with the requirements of 807 KAR 5:011, Section 8(4).⁷ Finally, pursuant to 807 KAR 5:011, Section 8(3), KU will file proof of completed notice within 45 days of the date of this application.⁸

² 807 KAR 5:011 Section 15.

³ KU’s Notice of Election of Use of Electronic Filing Procedures (filed Mar. 28, 2025).

⁴ Deviation Motion at 2.

⁵ Deviation Motion at 2.

⁶ Deviation Motion at 2.

⁷ Deviation Motion at 2.

⁸ Deviation Motion at 2.

KU argued that these deviations are necessary because its Lexington headquarters is not open to the public.⁹ KU explained that if the requested deviations are not granted, when the newspapers begin to publish the legal notice, KU plans to post the notice in a visible place on the exterior of its building, including uniform resource locators (URLs) where interested persons may review all tariff filing materials (i.e., KU's application, testimony, and exhibits).¹⁰ KU stated the requested deviations will not affect actual customer notice or ability to review the tariff filing in this proceeding.¹¹

KU further stated that, regarding all its filings in this proceeding, it is currently providing notice by email to counsel representing various parties that intervened in a related case in which KU is seeking a certificate of public convenience and necessity for the facility that is sole subject of KU's application in this proceeding.¹² KU explained that it will continue to provide such notice until the Commission either consolidates this proceeding into that case or the Commission closes the period for interested persons to seek intervention in this case.¹³ KU stated that this will help ensure customer notice above and beyond the requirements of 807 KAR 5:011, Section 8, and it supports granting the requested deviation from the requirements of 807 KAR 5:011, Section 8(1)(a).¹⁴

⁹ Deviation Motion at 2.

¹⁰ Deviation Motion at 2.

¹¹ Deviation Motion at 2.

¹² Deviation Motion at 2-3.

¹³ Deviation Motion at 3.

¹⁴ Deviation Motion at 3.

DISCUSSION AND FINDINGS

Having considered the record and being otherwise sufficiently advised, the Commission finds that KU's request to deviate from the requirement to post customer notice at its place of business pursuant to 807 KAR 5:011, Section 8(1)(a) is denied. Good cause has not been shown for why KU should be granted permission to deviate from 807 KAR 5:011, Section 8(1)(a). However, the Commission finds that KU posting the notice in a visible location on the exterior of its building accessible to the public, as discussed by KU, is reasonable to satisfy this requirement.

Having considered the record and being otherwise sufficiently advised, the Commission finds that KU's request deviating from 807 KAR 5:011, Section 8(4)(e) is granted. As KU does not have offices open to the public, the Commission finds that KU has shown good cause for this deviation, as KU would have to open its private offices to the public for examination. However, the Commission finds that to ensure that customers have the ability to examine KU's proposed tariffs, KU should make the tariffs available at each public library located within its territory, and state as such in its customer notice. KU should have this list of libraries made available on its website in the same location as the notice. KU should file with the Commission, within five business days of the tariff filing, the URL for the proposed tariff and library list.

IT IS THEREFORE ORDERED that:

1. KU's Motion to Deviate is denied, in part, and granted, in part.
2. KU's request to deviate from 807 KAR 5:011, Section 8(1)(a) is denied.
3. KU's request to deviate from 807 KAR 5:011, Section 8(4)(e) is granted.


4. KU shall make the proposed tariff available at each public library located within its territory, and state as such in its customer notice.

5. KU shall have this list of libraries available on its website in the same location as the notice.

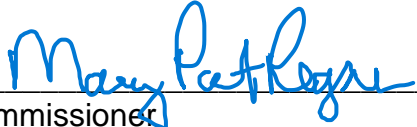
6. KU shall file with the Commission, within five business days of the tariff filing, the URL for the proposed tariff and library list

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PUBLIC SERVICE COMMISSION

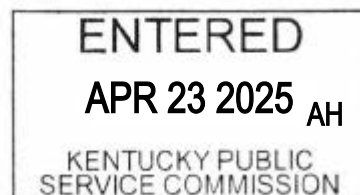

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