

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY	)	
KENTUCKY, INC. FOR AN ADJUSTMENT TO	)	CASE NO.
RIDER PMM RATES AND FOR TARIFF	)	2025-00229
APPROVAL	)	

ORDER

On June 26, 2025, Duke Energy Kentucky, Inc. (Duke Kentucky) filed its notice of intent to file an application for an adjustment to its Pipeline Modernization Mechanism (Rider PMM) rates and for tariff approval, and on July 3, 2025, Duke Kentucky filed its application pursuant to KRS 278.030(1), 278.040(2), 278.5096, and 807 KAR 5:001, Section 14. Along with its application, Duke Kentucky filed a motion for leave to deviate from the requirements of 807 KAR 5:001, Section 17(2)(b).<sup>1</sup>

MOTION

In its motion, Duke Kentucky stated that on June 27, 2025, it sent a request to the Kentucky Press Association (KY Press)<sup>2</sup> to publish its notice of the application for three consecutive weeks before filing on July 3, 2025.<sup>3</sup> Duke Kentucky asserted that an approximate week turn-around time has provided sufficient notice for newspapers in the past, but it was notified that due to the July 4<sup>th</sup> holiday, two of the weekly publications,

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<sup>1</sup> Motion for Leave to Deviate from 807 KAR5:001, Section 17(2)(bb)(3) (Motion) (filed July 3, 2025).

<sup>2</sup> An organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky.

<sup>3</sup> Motion at 2.

*Grant County News* and *LINK nky*, would be unable to publish the notice before the anticipated filing date.<sup>4</sup> Additionally, Duke Kentucky provided that the *Kentucky Enquirer*, a daily publication, published the notice on July 3, 2025, and collectively covers the same areas as the two weekly publications.<sup>5</sup> Therefore, Duke Kentucky argued that it had substantially complied with the notice regulation.

Lastly, Duke Kentucky arranged for the notice to be published for three consecutive weeks, starting on July 10, 2025, and July 18, 2025, which will still occur in advance of when customers will be impacted by the rate increase.<sup>6</sup>

#### LEGAL STANDARD

Commission regulation 807 KAR Section 17(2)(b)(3) states that a utility shall provide notice by publishing notice once a week for three 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 application filing is submitted to the commission. Commission regulation 807 KAR 5:001 Section 22 permits the Commission to grant deviations upon a showing of good cause.

#### DISCUSSION AND FINDINGS

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that Duke Kentucky has provided good cause to deviate from the notice requirements of 807 KAR 5:001 Section 17(2)(b)(3). Duke Kentucky requested publication in a timely manner, and through no fault of its own, the publication was delayed

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<sup>4</sup> Motion at 2.

<sup>5</sup> Motion at 2.


<sup>6</sup> Motion at 2-3.


due to the July 4<sup>th</sup> holiday. The utility appears to have made a good-faith effort to comply with the notice requirements. For this reason, the Commission finds that Duke Kentucky substantially complied with the notice requirement, and that a deviation for good cause, in accordance with 807 KAR 5:001 Section 22, should be granted subject to the conditions set out above.

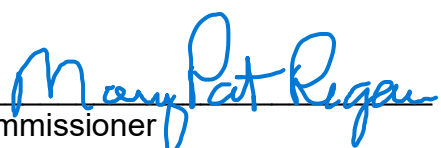
IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion for leave for a deviation from 807 KAR 5:001 Section 17(2)(b) for good cause is granted, subject to the following conditions.
2. Duke Kentucky shall publish the notice in accordance with its requested motion for deviation.
3. Duke Kentucky shall file proof of the publication within 14 days of the final published notice.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Commissioner

  
Commissioner

ATTEST:

  
Executive Director



Case No. 2025-00229

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