

Sent: Wednesday, July 09, 2014 2:44 PM
To: Bell, Stephanie (PSC)
Cc: DeRouen, Jeff (PSC)
Subject: Comment On Proposed Amendment To 807 KAR 5:110

July 9, 2014

Ms. Stephanie Bell
Deputy Executive Director
Public Service Commission
211 Sower Boulevard
Frankfort, Kentucky 40601
by email only

Dear Ms. Bell:

These comments are submitted on behalf of the Board and membership of the Kentucky Resources Council Inc. I'm writing to you as the designated Contact Person for comments regarding the proposed amendments to various regulations of the Public Service Commission and Board on Electric Generation and Transmission Siting.

I have reviewed the proposed revisions to various PSC regulations that were published in the July 1, 2014 Kentucky Administrative Register, and have no comment on any of the changes, since they appear to conform to legislative changes effected by HB 5, HB 192, and SB 123.

807 KAR 5:110

Regarding the amendment to 807 KAR 5:110 that adds the requirement to the Notice of Intent of providing an email address, KRC supports that requirement, and notes that any regulations developed in order to implement KRS 278.700-716 are required to be promulgated by the permanent members of the Board rather than the Commission. I assume, since the revision to 807 KAR 5:100 has been published, that there has been a meeting of the Board and that the Board has authorized the publication of the proposed revision, as required by KRS 278.702.

KRC also suggests that, if it is intended that the Board on Electric Generation and Transmission Siting be able to handle cases electronically, and/or to issue Board Orders electronically rather than by first class mail, additional changes need to be made to this regulation. The fact that the Board is attached administratively to the PSC does not make a Board Order a PSC Order for purposes of electronic service under 807 5:001, nor do the provisions of 807 KAR 5:001 requiring cases to be filed electronically (unless an opt out is approved), currently apply to Siting Board proceedings, since the scope of 5:001, according to the NECESSITY, FUNCTION, AND CONFORMITY section of that regulation, is limited to "proceedings before the Commission."

KRC would encourage the permanent members of the Kentucky State Board on Electric Generation and Transmission Siting, to adopt provisions comparable to those in 807 KAR 5:001 Section 4(8)-(11) governing electronic filing and service.

Thanks in advance for your consideration of these comments.

Cordially,

Tom FitzGerald
Director
Kentucky Resources Council, Inc.

I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die. Nelson Mandela, April 20, 1964