

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CLARK RURAL ELECTRIC)
COOPERATIVE CORPORATION TO ADJUST) CASE NO. 92-219
ELECTRIC RATES)

O R D E R

Clark Rural Electric Cooperative Corporation ("Clark") requested a deviation from Commission Regulation 807 KAR 5:011, Section 8(5).¹ In lieu of publishing notice of the hearing on its proposed rate increase by newspaper, Clark seeks to publish notice in *Kentucky Living*, a monthly publication mailed to each cooperative member. Clark contends that its proposed method of notice is more efficient and economical.

Clark's request conflicts with KRS 424.300 which states:

Notices of hearings by the public service commission upon applications by public utilities for rate increases or reduction or discontinuance of service, except where advertised by mail, shall be advertised by the applicant utility in accordance with such reasonable regulations as the commission may prescribe by newspaper publication in the areas that will be affected.

(Emphasis added). It expressly requires that notice be made by newspaper publication. Clark does not contend nor has it presented any evidence to suggest that *Kentucky Living* is a qualified


¹ Notice of hearing. Where notice pursuant to KRS 424.300 is published by the applicant in a newspaper, it shall be published in a newspaper of general circulation in the areas that will be affected one (1) time not less than seven (7) nor more than twenty-one (21) days prior to the hearing giving the purpose, time, place and date of hearing.

newspaper. See KRS 424.120. The Commission, therefore, does not have the authority to grant Clark's request. See Union Light, Heat and Power Co. v. Pub. Serv. Comm'n, Ky., 271 S.W.2d 361, 365 (1954) (where a "statute itself prescribes the exact procedure the administrative agency may not add to or subtract from such a provision").


IT IS THEREFORE ORDERED that Clark's request for deviation from 807 KAR 5:011, Section 8(5), is denied.

Done at Frankfort, Kentucky, this 24th day of November, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director