

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF THE	)	
TARIFF FILING BY EAST KENTUCKY	)	CASE NO. 2002-00344
POWER COOPERATIVE, INC.	)	
TO IMPLEMENT KRS 278.214	)	

O R D E R

The 2002 session of the General Assembly enacted a new provision of KRS Chapter 278 relating to service emergencies experienced on the transmission systems of jurisdictional electric utilities. The new law, codified as KRS 278.214, provides as follows:

**Curtailment of service by utility or generation and transmission cooperative.** When a utility or generation and transmission cooperative engaged in the transmission of electricity experiences on its transmission facilities an emergency or other event that necessitates a curtailment or interruption of service, the utility or generation and transmission cooperative shall not curtail or interrupt retail electric service within its certified territory, or curtail or interrupt wholesale electric energy furnished to a member distribution cooperative for retail electric service within the cooperative's certified territory, except for customers who have agreed to receive interruptable service, until after service has been interrupted to all other customers whose interruption may relieve the emergency or other event.

To ensure that Kentucky's jurisdictional electric utilities operate their respective transmission systems in compliance with KRS 278.214, they were notified by the Executive Director's Office to review their existing tariffs and to file revisions as necessary.

On August 29, 2002, East Kentucky Power Cooperative, Inc. ( East Kentucky ) filed a revised tariff, designated P.S.C. No. 27, Second Revised Sheet No. 4, which is intended to reflect its obligation under KRS 278.214 to provide transmission priority to its member cooperatives during emergency conditions. Although the revised tariff states that East Kentucky will adhere to the curtailment of service requirements set forth in Kentucky Revised Statutes (KRS) Section 278.214, the specific curtailment requirements are not disclosed. Thus, customers on East Kentucky's system will not be able to determine what the curtailment requirements are from a review of the revised tariff. The omission of the specific curtailment requirements appears to violate Administrative Regulation 807 KAR 5:011, Section 2, which requires a utility to have all of its rules and regulations on file in a tariff.

The Commission is unable to determine whether East Kentucky's revised tariff is reasonable without an investigation, and that investigation cannot be concluded prior to its effective date of September 28, 2002. Although the revised tariff bears an effective date of August 30, 2002, the actual earliest effective date for such tariff is September 28, 2002 due to the requirement that 30 days notice be given pursuant to KRS 278.180(1). Pursuant to KRS 278.190(2), the Commission will suspend the revised tariff for 5 months through February 27, 2003.

IT IS THEREFORE ORDERED that:

1. East Kentucky's revised tariff P.S.C. No. 27, Second Revised Sheet No. 4 is suspended for 5 months from September 28, 2002, up to and including February 27, 2003.

2. East Kentucky shall file no later than October 21, 2002 an original and 5 copies of the information requested in Appendix A, attached hereto.

3. All requests for information and responses thereto shall be appropriately indexed. Any request for information from the Commission Staff shall be responded to as if set forth in a Commission Order. All responses shall include the name of the witness who will be responsible for responding to the questions related to the information provided, with copies to all parties of record and 5 copies to the Commission.

4. East Kentucky shall file no later than October 21, 2002 either:

a. A request for an evidentiary hearing, accompanied by its prepared direct testimony in verified form; or

b. A waiver of its right to an evidentiary hearing and a suggested schedule for briefs, if any.

Done at Frankfort, Kentucky, this 27<sup>th</sup> day of September, 2002.

By the Commission

ATTEST:

  
Executive Director

## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2002-00344 DATED September 27, 2002

1. Explain in detail why East Kentucky's tariff, P.S.C. No. 27, Second Revised Sheet No. 4, should not include the specific curtailment of service requirements as set forth in KRS 278.214 or, alternatively, refile the tariff to include the specific curtailment of service requirements.