

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF COLUMBIA GAS)	CASE NO.
OF KENTUCKY, INC. FOR APPROVAL OF THE)	2022-00049
GREEN PATH RIDER PILOT PROGRAM)	

ORDER

On December 29, 2022, Columbia Gas of Kentucky, Inc. (Columbia Kentucky) tendered an application for approval of a new tariff for the Green Path Rider Pilot program. On January 19, 2023, the Commission issued a deficiency letter, noting Columbia Kentucky's failure to comply with 807 KAR 5:011, Section 8, public notice as well as customer notice. In its January 30, 2023 response to the deficiency letter, Columbia Kentucky asserted that it did not have to publish notice in compliance with 807 KAR 5:011, Section 8,¹ and requested the Commission make a declaration confirming its assertion or, in the alternative, grant a deviation.² On February 10, 2023, the Commission denied the request, required Columbia Kentucky to publish notice of the tariff filing and allowed for 30 days to accomplish publication of the notice in papers of general circulation in the service area.³

¹ Columbia Kentucky's Request for Declaration or Motion for Deviation (Declaration or Deviation Motion) (filed on Jan. 30, 2023) at 2–4.

² Columbia Kentucky's Declaration or Deviation Motion at 3–4.

³ Order (Ky. PSC Feb. 10, 2023) at 5.

On March 13, 2023, Columbia Kentucky filed notice of publication,⁴ requested additional time to accomplish publication of notice, and time to allow an employee to correct an affidavit regarding the mailing of notice to 173 customers.⁵

LEGAL STANDARD

The notice requirements for a new tariff are set forth in 807 KAR 5:011, Section 8. Commission regulation 807 KAR 5:011, Section 8, reads as follows:

A utility shall provide notice if a charge, fee, condition of service, or rule regarding the provision of service is changed, revised, or initiated and the change will affect the amount that a customer pays for service or the quality, delivery, or rendering of a customer's service.

In this case, the notice requirements set forth in 807 KAR 5:011 Section 8 are implicated. Specifically, 807 KAR 5:011 Section 8 (4) (e)-(f) require

(e) A statement that a person may examine this tariff filing at the offices of (utility name) located at (utility address);

(f) A statement that a person may examine this tariff filing at the commission's offices located at 211 Sower Boulevard, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m., or through the commission's Web site at <http://psc.ky.gov>;

Commission regulation 807 KAR 5:011, Section 15, permits the Commission to grant deviations from the regulations in 807 KAR 5:011 for good cause shown.

DISCUSSION AND FINDINGS

Based upon the motion and case record, and being otherwise sufficiently advised, the Commission finds that Columbia Kentucky did not comply with the notice

⁴ Columbia Kentucky filed several tear sheets and a copy of the customer notice.

⁵ Columbia Kentucky's Motion for Deviation (filed Mar. 10, 2023) at 2-3 and Letter (filed Mar. 10, 2023).

requirements set out in 807 KAR 5:011 Section 8(4) (e)-(f). As such, the Commission finds that Columbia Kentucky should not be granted the deviation as requested in the motion filed on March 13, 2023. The Commission finds that Columbia Kentucky should provide customer notice of this filing in full compliance with and pursuant to 807 KAR 5:011, Section 8, at least once, instead of the required three times.

In support of this finding, the Commission notes that Columbia Kentucky was ordered to publish notice of the tariff filing in this case.⁶ The notice of publication for the tariff filing was filed only after the Order and over a year after the Notice of Intent to File an Application for Approval of the Green Path Rider Pilot Program Using the Electronic Filing Procedures in this case.⁷ After review of the customer notice mailed and published in this case, there is no statement in compliance with 807 KAR 5:011 Section (8)(4)(e), that the complete filing can be reviewed at the utility's offices. There is also no statement that the tariff filing can be examined at the Commission's offices pursuant to 807 KAR 5:011 Section 8(4)(f).

The Commission acknowledges that there is a statement directing customers to the filing on the Commission's website as required. However, that does not alleviate a utility's obligation to comply with the entirety of the regulation, and Columbia Kentucky did not comply with the entirety of the regulation; nor did the utility request a deviation from those requirements. Additionally, the notice contains a statement that the "complete

⁶ Order (Ky. PSC Feb. 10, 2023) at 5.

⁷Columbia Kentucky's Notice of Intent to Notice of Intent to File an Application for Approval of the Green Path Rider Pilot Program Using the Electronic Filing Procedures (filed on Feb. 16, 2022).

text of the tariff appears below”⁸ but what appears in the published notice is an abbreviated version of the actual tariff language. If the utility is going to undertake publication of the tariff, the utility has the duty to correctly and accurately represent what is being considered by the Commission.

As previously mentioned,⁹ going forward, the Commission will expect a utility to provide customer notice pursuant to the applicable regulations in its entirety or, in the alternative, request a deviation from the Commission. The Commission finds that Columbia Kentucky should publish notice again to remedy the errors in the initial notice. The Commission recognizes the reality of publication deadlines and finds that Columbia Kentucky should be given 30 days from the service date of this Order to provide corrected notice to its customers at least one time.

IT IS HEREBY ORDERED that:

1. Columbia Kentucky’s request for a deviation as set forth in the motion is denied.

⁸ The following language was included in the notice published by Columbia Kentucky: “Purpose - Columbia proposes to adopt a five year pilot for a voluntary program whereby eligible customers may opt-in to a volumetric rate, the collections of which are used to offset the carbon emissions generated by customer usage. The rider will be called the “Green Path” Rider.” The following language was submitted to the Commission on Dec. 29, 2022 in the Proposed Tariff: “The Green Path Rider is a voluntary, volumetric rider available to residential and commercial sales service customers who are focused on their carbon footprint and would like the option to decarbonize some of, or all of, their emissions related to their natural gas consumption. Collections from the Green Path Rider will be used to purchase the environmental attributes of renewable natural gas (“RNG”) and carbon offsets to provide customers a two-tiered option to reduce their emissions by 50% or to 100% (“Net Zero”). The Green Path Rider charge will be updated annually to align with the variable costs associated with the RNG and Carbon Offsets procured as well as the costs associated with implementing the rider.”

⁹ Order (Ky. PSC Feb. 10, 2023) at 4.

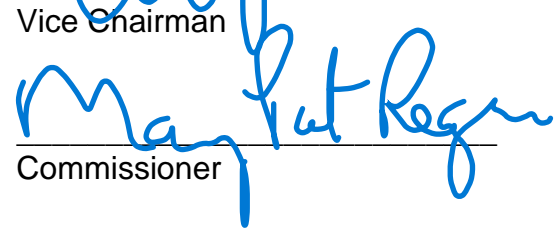
2. Columbia Kentucky shall publish a correct, accurate notice of this filing in a prominent manner in a newspaper of general circulation in each county of its service territory at least once in order to give notice to all its customers.

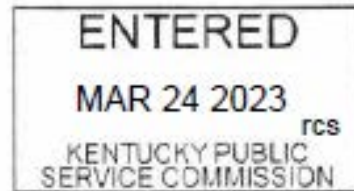
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PUBLIC SERVICE COMMISSION

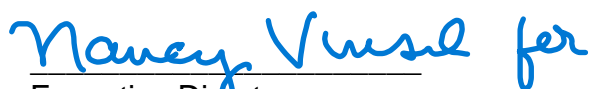

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