

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF FLEMING-)	CASE NO.
MASON ENERGY COOPERATIVE, INC. FOR A)	2023-00223
GENERAL ADJUSTMENT OF RATES)	

ORDER

On August 28, 2023,¹ Fleming-Mason Energy Cooperative, Inc. (Fleming-Mason Energy) filed its application for an increase of rates based on a historical test year pursuant to KRS 278.180 and KRS 278.190. The application proposed that the new rates become effective October 1, 2023.² On September 28, 2023, the Commission suspended the effective date of the proposed rates for five months, up to and including March 1, 2024, and established a procedural schedule. On December 21, 2023, the procedural schedule was amended to schedule establish a deadline by which the utility or any intervenor may request a hearing or that the case be submitted for decision based on the record, as well as adding an additional supplemental requests for information to Fleming-Mason Energy.³ On January 23, 2024, Fleming-Mason Energy and the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention

¹ Fleming-Mason Energy tendered its application on August 4, 2023. By letters dated August 11, 2023, and August 21, 2023, the Commission rejected the application for filing deficiencies. The deficiencies were subsequently cured, and the application is deemed filed on August 28, 2023.

² Application at unnumbered page 3.

³ Order (Ky. PSC Dec. 21, 2023).

(Attorney General) waived a hearing but did request an opportunity to brief the matter.⁴ On January 31, 2024, the procedural schedule was amended again to allow for a briefing schedule.⁵

On April 10, 2024, Fleming-Mason Energy filed notice, pursuant to KRS 278.190(2), stating that it intended to place the proposed change of rates set forth in its application into effect, subject to refund, effective April 29, 2024.⁶

Pursuant to KRS 278.190(2), a utility is permitted to place proposed rates into effect at the end of the suspension period, upon written notice to the Commission and subject to refund, pending a final Order. The Commission may require a utility that provides such notice to maintain records that will allow the utility, the Commission, or any customer to determine the amounts to be refunded, and to whom, in the event a refund is ordered upon final resolution of the case. Further, upon final resolution, the Commission may order a refund to the extent the rates approved in the final Order are lower than rates proposed by the utility and placed into effect pursuant to KRS 278.190(2).⁷ Fleming-Mason Energy provided notice that it would place its proposed rates into effect pursuant to KRS 278.190(2) on April 29, 2024, with its bills rendered on or after that date.

⁴ The Attorney General was the sole intervenor in the matter. On January 23, 2024, Fleming-Mason Energy and the Attorney General filed motions waiving a hearing and requesting an opportunity to brief the issues.

⁵ Order (Ky. PSC Jan. 31, 2024).

⁶ Fleming-Mason Energy's Notice of Intent to Place Rates into Effective Subject to Refund (filed April 10, 2024) at unnumbered page 1.

⁷ KRS 278.190(2).

IT IS THEREFORE ORDERED that, pursuant to KRS 278.190(2), Fleming-Mason Energy shall maintain its records in such a manner as will allow it, the Commission, or any customer to determine the amounts to be refunded, and to whom, in the event a refund is ordered upon final resolution of this matter.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

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