

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**APPLICATION OF LOUISVILLE GAS AND )**  
**ELECTRIC COMPANY FOR AN )**  
**ADJUSTMENT OF ITS ELECTRIC AND GAS ) CASE NO. 2016-00371**  
**RATES AND FOR CERTIFICATES OF )**  
**PUBLIC CONVENIENCE AND NECESSITY )**

**MOTION TO DEVIATE FROM RULE**

Pursuant to 807 KAR 5:001, Section 22, Louisville Gas and Electric Company (“LG&E”) moves the Kentucky Public Service Commission (“Commission”) to grant LG&E approval to deviate from the requirement that parties upload an electronic version of all papers filed in this case to the Commission’s website using the Commission’s E-Filing System. In support of this motion, LG&E states:

1. On October 21, 2016, LG&E filed its Notice of Intent to file a rate application for a general adjustment in its electric rates and its Notice of Election of Use of Electronic Filing Procedures. LG&E subsequently filed its application on November 23, 2016.

2. On October 24, 2016, the Commission established this proceeding and ordered that “[a]ll documents submitted in this proceeding shall comply with the Commission’s rules of procedure as set forth in 807 KAR 5:001 and any deviation from these rules shall be submitted in writing to the Commission for consideration.”<sup>1</sup>

3. 807 KAR 5:001, Section 8(3) provides: “All papers shall be filed with the commission by uploading an electronic version using the commission’s E-Filing System at <http://psc.ky.gov>.”

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<sup>1</sup> *In the Matter of: Application of Louisville Gas and Electric Company for an Adjustment of its Electric and Gas Rates and for Certificates of Public Convenience and Necessity*, Case No. 2016-00371, Order (Ky. PSC Oct. 24, 2016).

4. Pursuant to the Commission's Rules of Procedure, LG&E must electronically upload to the Commission's E-Filing System all filings made in this case. The Commission's Rules of Procedure require that all uploaded non-audio or video files must be in either portable document format ("PDF") or Excel format.<sup>2</sup>

5. In Item 294 of its Initial Data Requests, the Office of the Attorney General ("AG") has requested that LG&E furnish in an electronic format all analyses, workpapers, and spreadsheets addressing various aspects of Mr. Steven Seelye's Loss of Load Probability Study, including all data used to develop the study. Mr. Seelye used PROSYM software to assist in the preparation of the study. His data files are in a format that is usable by that software, but that cannot be converted to either PDF or Excel format.

6. LG&E requests permission to deviate from 807 KAR 5:001, Section 8(3) by not uploading the requested PROSYM data files to the Commission's E-Filing System because the requested files are not in and cannot be converted to a permissible format. Rather, LG&E is requesting permission to file a copy of the PROSYM files with the Commission on a portable electronic storage medium and to serve a true and accurate copy of the medium on the AG and any other party who requests a copy.

7. LG&E is making its above request to deviate pursuant to 807 KAR 5:001, Section 22.

**WHEREFORE**, LG&E requests a deviation from the 807 KAR 5:001, Section 8(3) requirement that parties upload an electronic version of all papers filed in this case to the Commission's website using the Commission's E-Filing System and permission to submit its Response to Item 294 of the AG's Initial Data Requests instead on a portable electronic storage

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<sup>2</sup> 807 KAR 5:001, Section 8(4)(b), (c).

medium and to serve a true and accurate copy of that medium on the AG and any other party who requests a copy.

Dated: January 25, 2017

Respectfully submitted,




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**CERTIFICATE OF COMPLIANCE**

In accordance with 807 KAR 5:001, Section 8, this is to certify that Louisville Gas and Electric Company's January 25, 2017 electronic filing of the Motion to Deviate from Rule is a true and accurate copy of the same document being filed in paper medium; that the electronic filing has been transmitted to the Commission on January 25, 2017; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original and six copies in paper medium of the Motion are being hand delivered to the Commission within two business days from the date of the electronic filing.

  
Counsel for Louisville Gas and Electric Company