

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RIVERSIDE GENERATING COMPANY, L.L.C.)	
)	
v.)	Case No. 2017-00472
)	
KENTUCKY POWER COMPANY)	

NOTICE OF FILING OF PROOF OF PUBLICATION

-and-

MOTION FOR DEVIATION FROM NOTICE REQUIREMENTS

Comes now Riverside Generating Company, L.L.C. (“Riverside”), by counsel, and hereby:

(1) provides notice of its filing of proof of publication¹ with respect to the public notice of the formal hearing scheduled in the above-captioned proceeding for September 18, 2018, at 9:00 a.m. (the “Formal Hearing”); and (2) moves the Commission, pursuant to 807 KAR 5:001 Section 22, for permission to deviate from the requirements governing the publication of notice with respect to the Formal Hearing. In support of this filing, Riverside states as follows:

1. As part of the Commission’s Order entered herein on February 27, 2018, Riverside was directed to “give notice of any hearing [scheduled in this matter] in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2)(b).” Riverside was also directed to “forward a duplicate of the notice and request [for publication] to the Commission” at the time publication was requested.

¹ Attached hereto as **Exhibit A** is the affidavit of Ms. Rachel McCarty, Advertising Assistant, Kentucky Press Service, Inc., including a list of publications/publication dates with respect to the relevant notice of hearing.

2. Following the Commission's Order entered herein on July 31, 2018 (pursuant to which the Formal Hearing was scheduled), Riverside prepared the requisite notice and arranged for its publication in appropriate newspapers of general circulation in Kentucky Power Company's service territory. On August 21, 2018, Riverside requested that the notice be published once in each newspaper during the period of August 28, 2018, through September 11, 2018, to ensure compliance with the relevant regulation (which requires, *inter alia*, that notice by newspaper be published "...at least one (1) time and not less than seven (7) days nor more than twenty-one (21) days prior to the hearing..."). Also on August 21, 2018, Riverside filed with the Commission a duplicate of the notice and its request for publication, as directed.

3. As a result of Riverside's efforts, notice of the Formal Hearing has been published in a total of twenty (20) newspapers, as detailed in the attached **Exhibit A**. With the exception of *The Hyden Leslie Co. News*, each of the newspapers published notice of the Formal Hearing during the period of August 28, 2018, through September 11, 2018, as requested by Riverside; however, notice of the Formal Hearing was published in *The Hyden Leslie Co. News* on September 13, 2018, two (2) days later than required by regulation.

4. Riverside respectfully requests that the Commission permit a limited deviation from the notice requirements heretofore described as they pertain to the notice published in *The Hyden Leslie Co. News*. Presumably through oversight, inadvertence, and/or excusable neglect, the notice was not published as required or as requested by Riverside; however, Riverside attempted in good faith to publish notice in accordance with applicable regulation and the Commission's Orders, and it has substantially complied with all directives related to notice of the Formal Hearing. Moreover, no person or entity has submitted comment or sought intervention in this matter, and no prejudice will result if the relief requested herein is afforded to Riverside. For these reasons, Riverside

requests that the Commission find good cause and grant a deviation pursuant to 807 KAR 5:001 Section 22.

WHEREFORE, Riverside respectfully requests an Order from this Commission granting a deviation as described herein.

Dated this 17th day of September, 2018.

Respectfully submitted,



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Counsel for Riverside Generating Company, L.L.C.

NOTARIZED PROOF OF PUBLICATION

STATE OF KENTUCKY

COUNTY OF Franklin

Before me, a Notary Public, in and for said County and State, this 14th day of Sept, 2018, came Rachel McCarty

personally known to me, who being duly sworn, states as follows: That he/she is Advertising Assistant of the Ky Press Service

and that attached list of papers ran the Notice for Kentucky Power Company Case No 2017-00472.

Rachel McCarty
Signed

Bonnie J Howard
Notary Public

My commission expires 9-18-20 Jo # 523384



KENTUCKY PRESS SERVICE

**101 Consumer Lane
(502) 223-8821**

**Frankfort, KY 40601
FAX (502) 875-2624**

Rachel McCarty Advertising Dept.

List of newspapers running the Notice to Kentucky Power Company Customers. Attached tearsheets provide proof of publication:

Ashland Daily Independent -- 8-28
Booneville Sentinel -- 8-29
Grayson Journal -- 8-29
Greenup News -- 8-30
Hazard Herald -- 8-30
Hindman Troublesome Creek Times -- 8-30
Hyden Leslie Co. News -- 9-13
Inez Mt. Citizen -- 8-29
Jackson Times Voice -- 8-29
Louisa Big Sandy News -- 8-29
Manchester Enterprise -- 8-29
Morehead News -- 8-29
Paintsville Herald -- 8-29
Pikeville Appalachian News -- 8-30
Prestonsburg Floyd Co. Chronicle & Times -- 8-29
Salysersville Independent -- 8-30
Sandy Hook Elliott Co. News -- 8-31
Vanceburg Lewis Herald-- 8-28
West Liberty Licking Valley -- 8-30
Whitesburg Mt. Eagle -- 8-29