

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
LOUISVILLE GAS AND ELECTRIC COMPANY)	
AND KENTUCKY UTILITIES COMPANY FOR)	
CERTIFICATES OF PUBLIC CONVENIENCE)	CASE NO. 2018-00005
AND NECESSITY FOR FULL DEPLOYMENT)	
OF ADVANCED METERING SYSTEMS)	

PETITION FOR APPROVAL TO DEVIATE FROM RULE

Louisville Gas and Electric Company (“LG&E”) and Kentucky Utilities Company (“KU”) (collectively “Companies”) petition the Kentucky Public Service Commission (“Commission”) to grant LG&E and KU approval, pursuant to 807 KAR 5:001 Section 22 and 807 KAR 5:011 Section 15, to deviate from the publication of notice requirements in the above-captioned proceeding because the Companies have substantially complied with the Commission’s notice regulations.¹

In support of this petition, the Companies state as follows:

1. On January 10, 2018, the Companies filed an application with the Commission seeking an order granting the Companies Certificates of Public Convenience and Necessity for the full deployment of Advanced Metering Systems (“AMS”) across their Kentucky service territories and approval of proposed AMS Opt-Out Special Charges.

2. On December 27, 2017, the Companies delivered to the Kentucky Press Association (“Kentucky Press”), an agency that acts on behalf of newspapers of general circulation

¹ 807 KAR 5:011 Section 8(2).

throughout the Commonwealth of Kentucky in which customers affected reside, a notice of the filing of its application for publication in newspapers in the Companies' service areas, once a week for three consecutive weeks, with the first publication to be made prior to the filing of the Companies' application, as required by 807 KAR 5:001 Section 17(2)(b)(3) and 807 KAR 5:011 Section 8(2)(b)(3).² Kentucky Press selected the newspapers of general circulation in the Companies' service areas and directed each newspaper in writing to publish the notice once a week for three consecutive weeks from January 3, 2018, to January 23, 2018.

3. Through Kentucky Press, the Companies caused notice to be published in 18 newspapers in LG&E's service area and 91 newspapers in KU's service area, including the two newspapers with the largest circulation, the *Louisville Courier-Journal* and the *Lexington Herald-Leader*.

4. The Companies' efforts notwithstanding, the *Louisville Courier-Journal* failed to publish the LG&E notice as requested for three consecutive weeks, but did publish notice on January 3, 10, and 23, all dates within the period from one week prior to filing the application and two weeks following the filing. Notably, the *Louisville Courier-Journal* did publish the KU notice as requested for three consecutive weeks (January 3, January 10, and January 17).

5. The *Central City Times-Argus*, a small weekly newspaper that publishes on Wednesdays with a circulation of 1,795 in Muhlenberg County, failed to publish the first notice as requested, but did publish notice on January 10 and 17. The notice was also published as requested

² See Companies' Certificate of Completed Notice.

in the *Central City Leader News* on January 9, 16, and 23, which also serves Muhlenberg County and has a circulation of 6,463.

6. The *Lancaster Central Record*, a small weekly newspaper that publishes on Thursdays with a circulation of 2,783 in Garrard County, failed to publish the first notice as requested, but did publish the notice on January 11 and 17.

7. The *Stanford Interior Journal*, a small weekly newspaper that publishes on Thursdays with a circulation of 1,663 in Lincoln County, failed to publish notice for three consecutive weeks as requested, but did publish the notice on January 4 and 18.

8. The *Liberty Casey County News*, a small weekly newspaper that publishes on Wednesdays with a circulation of 3,539 in Casey County, failed to publish notice for three consecutive weeks as requested, but did publish the notice on January 3, 10, and 31.

9. In addition to causing notice of the filing of its application in this case to be published in newspapers of general circulation in all of its service areas, including the newspapers with the largest circulation in the state, the *Louisville Courier-Journal* and the *Lexington Herald-Leader*, the Companies have posted the notice for public inspection at their offices and places of business, as well as on their website.³

10. The purpose of the Commission's notice requirements is to ensure that members of the public have sufficient notice and a meaningful opportunity to participate, individually or through representative agencies, in this proceeding. As stated by the Kentucky Supreme Court:

³ See Certificate of Completed Notice.

Substantial compliance in regard to publication requirements has been authorized. The purpose of the statute is to allow the public an ample opportunity to become sufficiently informed on the public question involved.⁴

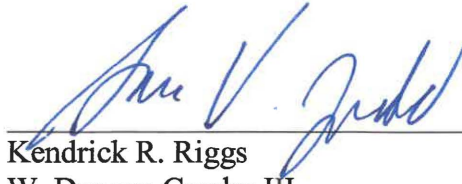
11. The Commission has authority to permit the Companies to deviate from the publication requirements pursuant to 807 KAR 5:001 Section 22 and 807 KAR 5:011 Section 15. Because the Companies are in substantial compliance with the applicable notice-publication requirements, good cause exists for the Commission to permit the Companies to deviate from the requirement of the regulations and to accept the publication of notice of the Companies' application as sufficient.

WHEREFORE, Louisville Gas and Electric Company and Kentucky Utilities Company respectfully request that, pursuant to 807 KAR 5:001 Section 22 and 807 KAR 5:011 Section 15, the Commission grant approval to deviate from the applicable notice-publication requirements and to accept the publication of notice of their application as sufficient.

⁴ *Conrad v. Lexington-Fayette Urban County Government*, 659 S.W.2d 190, 195 (1983) (citing *Queenan v. City of Louisville*, 233 S.W.2d 1010 (1950)). See also *Lyon v. County of Warren*, 325 S.W.2d 302 (1959) (publishing notice of bond referendum outside statutory time limits, accompanied by media attention and other means, held sufficient notice to public).

Dated: February 22, 2018

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

This is to certify that Kentucky Utilities Company and Louisville Gas and Electric Company's February 22, 2018, electronic filing of the Motion for Deviation 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 February 22, 2018; 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 will be delivered to the Commission within two business days.



*Counsel for Kentucky Utilities Company
and Louisville Gas and Electric Company*