

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
KENTUCKY UTILITIES COMPANY FOR)	CASE NO. 2018-00294
AN ADJUSTMENT OF ITS RATES)	

PETITION FOR APPROVAL TO DEVIATE FROM RULE

Kentucky Utilities Company (“KU”) petitions the Kentucky Public Service Commission (“Commission”) to grant KU approval, pursuant to 807 KAR 5:001, Section 22 and 807 KAR 5:011, Section 15, to deviate from the notice requirements in the above-captioned proceeding, because KU has substantially complied with the Commission’s notice regulations. In support of this petition, KU states as follows:

1. On August 27, 2018, KU filed its Notice of Intent to file a rate application for a general adjustment in its electric rates, including changes to its electric tariffs. KU subsequently filed its application on September 28, 2018.

2. By Order dated January 3, 2019, the Commission scheduled a hearing in this proceeding to be held on March 5, 2019, at 9:00 a.m. Eastern Standard Time, at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. The Commission further ordered KU to give notice of the hearing in accordance with 807 KAR 5:001, Section 9(2)(b).

3. On January 11, 2019, KU delivered to the Kentucky Press Service, Inc. (“Kentucky Press”), an organization that provides legal-notice placement services for third parties with its members, the notice of the hearing for publication in newspapers in KU's service area in accordance with 807 KAR 5:001 Section 9(2)(b). This regulation requires notice of the

hearing be published at least one time, and not less than seven nor more than twenty-one days prior to the hearing, in a newspaper of general circulation in the areas that will be affected. Kentucky Press selected the newspapers of general circulation in KU's service area and directed each newspaper in writing to publish the notice once no earlier than Tuesday, February 12, 2019 and no later than Tuesday, February 26, 2019. See KU's Certificate of Completed Notice.

4. Through Kentucky Press, KU caused notice to be published in more than 90 newspapers in the Commonwealth, including the statewide editions of the Lexington Herald Leader and Louisville Courier-Journal, the two newspapers with the largest circulation in the Commonwealth. All but one of the newspapers published in accordance with the Commission's notice-publication requirements.

5. Through Kentucky Press, KU directed the Lawrenceburg Anderson News to publish notice of the hearing.

6. The Lawrenceburg Anderson News did not publish the notice until February 27, 2019, one day past the deadline required by the Commission's notice-publication requirements.

7. The purpose of the Commission's notice regulation is to ensure that the public has sufficient notice of the hearing and to respond accordingly. Notwithstanding this minor deviation, notice was published in each county. KU's substantial compliance with the Commission's regulation has met the purpose of the notice requirement. As stated by the Kentucky Supreme Court: "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."¹

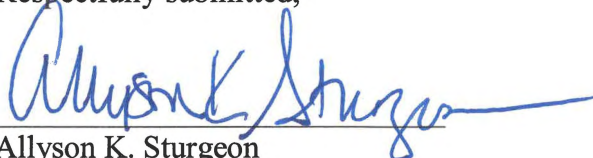
¹ Conrad v. Lexington-Fayette Urban County Government, 659 S.W.2d 190, 195 (Ky. 1983) (citing Queenan v. City of Louisville, 233 S.W.2d 1010 (Ky. 1950)). See also Lyon v. County of Warren, 325 S.W.2d 302 (Ky. 1959) (publishing notice of bond referendum outside statutory time limits, accompanied by media attention and other means, held sufficient notice to public).

8. The Commission has authority to permit KU to deviate from the publication requirements pursuant to 807 KAR 5:001 Section 22. Because KU is in substantial compliance with the applicable notice-publication requirements, good cause exists for the Commission to permit KU to deviate from the requirement of its Order and regulations and to accept the publication of notice of the hearing as sufficient.

WHEREFORE, Kentucky Utilities Company respectfully requests that the Commission grant it approval pursuant to 807 KAR 5:001, Section 22 and 807 KAR 5:011, Section 15 to deviate from the notice requirements of the Commission's Order dated January 3, 2019 and 807 KAR 5:001, Section 17(2) and 807 KAR 5:011, Sections 8(2) and 9 and to accept the publication of notice of its application as sufficient.

Dated: March 4, 2019

Respectfully submitted,



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CERTIFICATE OF COMPLIANCE

In accordance with 807 KAR 5:001, Section 8, this is to certify that Kentucky Utilities Company's March 4, 2019 electronic filing of the Petition for Approval 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 March 4, 2019; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original of the Petition will be delivered to the Commission within two business days.



Counsel for Kentucky Utilities Company