

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

**In the Matter of:**

**ELECTRONIC 2018 JOINT INTEGRATED            )**  
**RESOURCE PLAN OF LOUISVILLE GAS        )**  
**AND ELECTRIC COMPANY AND                    )** **CASE NO. 2018-00348**  
**KENTUCKY UTILITIES COMPANY                )**  
**)**  
**MOTION FOR APPROVAL TO DEVIATE FROM RULES AND ORDER**

Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) (collectively, the “Companies”) move the Kentucky Public Service Commission (“Commission”) to grant approval, pursuant to 807 KAR 5:001, Section 22, to deviate from the hearing notice requirements and Ordering Paragraph Number 4 of the Commission’s July 20, 2020 Order in the above-captioned proceeding. The Companies petition the Commission because publication in one newspaper did not occur within the time prescribed by 807 KAR 5:001, Section 9(2)(b) and the Commission’s July 20, 2020 Order, but the Companies have substantially complied with the Commission’s hearing notice requirements. In support of this motion, the Companies state as follows:

1. 807 KAR 5:001, Section 9(2)(b) states that the Commission may order an applicant to give notice to the public of any hearing on its application, and, if such notice is by newspaper publication, to publish notice of the purpose, time, place, and date of the hearing “at least one (1) time and not less than seven (7) nor more than twenty-one (21) days prior to the hearing in a newspaper of general circulation in the areas that will be affected.”

2. On July 20, 2020, the Commission ordered that a hearing in this matter take place on September 15, 2020 and that the Companies give notice of the hearing in compliance with 807 KAR 5:001, Section 9(2)(b).

3. On August 5, 2020, the Companies delivered to the Kentucky Press Service, Inc. (“Kentucky Press”), an organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky in which customers affected reside, a notice of hearing for publication therein one time during the time period of August 25, 2020 to September 8, 2020, as required by 807 KAR 5:001, Section 9(2)(b). Kentucky Press directed each newspaper in writing to publish the hearing notice one time during this time period. The hearing notice request and the related notice were filed with the Commission in the record in this case on August 6, 2020.

4. The Companies request a deviation because one newspaper, the *Owenton News Herald*, failed to publish the hearing notice during the time prescribed in 807 KAR 5:004, Section 9(2)(b).

5. The *Owenton News Herald*, a newspaper of general circulation in Owen County, Kentucky, failed to publish the hearing notice between August 25, 2020 and September 8, 2020. Instead, the *Owenton News Herald* published the hearing notice on September 9, 2020, less than 7 days prior to the hearing.

6. The purpose of the Commission’s notice regulation is to ensure public awareness of the scheduled hearing and to provide a meaningful opportunity for the public to view the hearing and to comment.<sup>1</sup> Despite the deviation noted above, notice of the hearing was published in every other newspaper of general circulation in the Companies’ service areas. See the attached list of newspapers and affidavit. Furthermore, the two newspapers with the largest circulation in the state, the *Lexington Herald-Leader* and *The Courier-Journal* timely published the hearing notice in their statewide editions. The Companies’ substantial compliance with the Commission’s

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<sup>1</sup> The Companies’ hearing notice included the following statements, as required by the July 20, 2020 Order: “This hearing will be streamed live and may be viewed on the PSC website, [psc.ky.gov](http://psc.ky.gov)” and “Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, [psc.ky.gov](http://psc.ky.gov)”.

regulations 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.<sup>2</sup>

7. The Commission has authority to permit the Companies to deviate from the publication requirements pursuant to 807 KAR 5:001, Section 22.

8. Because the Companies are in substantial compliance with the publication requirements of KAR 5:001, Section 9(2)(b), good cause exists for the Commission to permit the Companies to deviate from the requirement of the regulations and to accept the publications of hearing notice as sufficient.

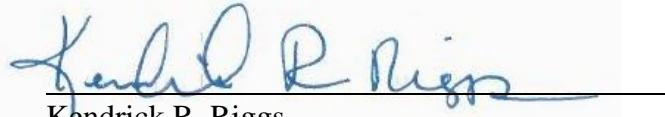
**WHEREFORE**, Kentucky Utilities Company and Louisville Gas and Electric Company respectfully request that the Commission grant it approval pursuant to 807 KAR 5:001, Section 22 to deviate from the notice requirements of 807 KAR 5:001, Section 9(2)(b) and Ordering Paragraph Number 4 of the Commission's July 20, 2020 Order in this case and to accept the publications of hearing notice as sufficient.

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<sup>2</sup> *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).

Dated: September 10, 2020

Respectfully submitted,

A handwritten signature in blue ink, reading "Kendrick R. Riggs", is written over a horizontal line.

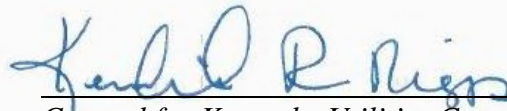
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*Counsel for Kentucky Utilities Company and  
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**CERTIFICATE OF COMPLIANCE**

In accordance with 807 KAR 5:001 Section 8(7), this is to certify that Kentucky Utilities Company and Louisville Gas and Electric Company's September 10, 2020 electronic filing is a true and accurate copy of the documents that will be filed in paper medium subject to the terms of the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19) ("COVID-19 Orders"); that the electronic filing was transmitted to the Commission on September 10, 2020; 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 filing will be filed with the Commission consistent with the COVID-19 Orders.

A handwritten signature in blue ink, reading "Kenneth R. Riess", is positioned above a horizontal line. The signature is cursive and appears to be written on a light-colored background.

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