COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA)NATURAL GAS COMPANY, INC. FOR AN)ADJUSTMENT OF ITS RATES AND A)CERTIFICATE OF PUBLIC)CONVENIENCE AND NECESSITY)

CASE NO. 2021-00185

DELTA NATURAL GAS COMPANY, INC. PROOF OF PUBLICATION AND MOTION FOR DEVIATION FROM HEARING NOTICE REQUIREMENTS

Pursuant to 807 KAR 5:001, Section 22, Delta Natural Gas Company, Inc. ("Delta" or the "Company") hereby provides proof of publication and moves the Kentucky Public Service Commission ("Commission") for a deviation from the hearing notice requirements contained in 807 KAR 5:001, Section 9(2).

1. On May 28, 2021, Delta filed its Application for an Adjustment of Rates and a Certificate of Public Convenience and Necessity with the Commission. On June 16, 2021, the Commission established a procedural schedule to consider the proposed rates. By Order dated August 6, 2021, the Commission scheduled a hearing in this matter on November 16-18, 2021.

2. Ordering paragraph 6 of the Commission's Order dated June 16, 2021 and ordering paragraph 3 of the Commission's Order dated August 6, 2021 direct Delta to give notice of the hearing in compliance with 807 KAR 5:001, Section 9(2)(b) and include in the notice certain statements about the streaming of the hearing and public comments.

3. 807 KAR 5:001, Section 9(2)(b) requires that notice by newspaper publication be published "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." On October 13, 2021, Delta requested Kentucky Press run the hearing notice no earlier than October

26, 2021 and no later than November 9, 2021. Delta filed this request into the record on October 14, 2021.

4. A copy of the Notarized Proof of Publication from the Kentucky Press Association attesting to the dates the notice was published is attached as Exhibit 1.

5. The Leslie County News did not run the notice as requested. The Leslie County News did, however, run the notice on November 11, 2021. A copy of the notice as published in the Leslie County News is attached as Exhibit 2.

6. Good cause exists to grant a deviation from 807 KAR 5:001, Section 9(2) and to accept the publication of the hearing notice as sufficient. Delta requested that the Leslie County News publish the notice within the required timeframe and made that request sufficiently in advance of the period in which the notice needed to run. Although the Leslie County News did not publish the notice within the required timeframe, it did publish the notice five days prior to the hearing, which affords Delta's customers with the opportunity to participate in the hearing. Moreover, all other newspapers in Delta's service area published the notice within the required timeframe, including the Lexington Herald Leader, which is a newspaper with large circulation in Delta's service territory.

WHEREFORE, Delta respectfully requests that the Commission accept the proof of publication and grant a deviation pursuant to 807 KAR 5:001, Section 22, from 807 KAR 5:001, Section 9(2) to accept the publication of the hearing notice as sufficient.

2

Dated: November 12, 2021

Respectfully submitted,

Monica H. Braun

Monica H. Braun Mary Ellen Wimberly monica.braun@skofirm.com Maryellen.wimberly@skofirm.com Stoll Keenon Ogden PLLC 300 West Vine Street Suite 2100 Lexington, KY 40507 Telephone: (859) 231-3000 Facsimile: (859) 259-3503 Counsel for Delta Natural Gas Company, Inc.

CERTIFICATE OF COMPLIANCE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on November 12, 2021; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

Monica H. Braun

NOTARIZED PROOF OF PUBLICATION

STATE OF KENTUCKY COUNTY OF them Khi

Before me, a Notary Public, in and for said County and State, this <u>Pfh</u> day of <u>Notember</u>, 2021, came <u>CARGE</u> <u>MCCARG</u>

Adventising Assident of the My Puss Service

and the attached list of publications ran the Notice of Public Hearing for Case No.: 2021-00185

for Delta Natural Gas Company Inc.

Kachel MS-CAN

Signed

J. Downed

Notary Public

9-18-2024 De # 14119 My commission expires

Delta Natural Gas Papers

Barbourville Mt. Advocate - 10-28 Bath County Owingsville - 10-28 Berea Citizen – 10-27 Beattyville Enterprise – 10-27 Beattyville Three Forks – 10-27 Bourbon Citizen Paris – 10-28 Central Record Lancaster – 10-28 Citizen Voice Irvine – 10-28 Estill Tribune Irvine – 10-27 Clay City Times – 10-28 Flemingsburg Gazette – 10-27 Cromona Letcher Co – 11-3 Hazard Herald – 10-28 Hindman Troublesome Creek - 10-28 Inez Mt. Citizen – 10-27 Jackson Co Sun McKee – 10-27 Jessamine Journal Nicholasville – 10-28 Ledger Independent Maysville – 10-27 Leslie Co News Hyden – SCHEDULED TO RUN 11-11 Lexington HL - 10-27 Louisa Big Sandy News – 10-27 Manchester Enterprise - 10-27 Menifee Co News - 10-28 Middlesboro Daily News - 10-27 Mt. Sterling Advocate - 10-28 Paintsville Herald – 10-27 Pikeville A. News – 10-29 Pineville Sun – 10-27 Prestonsburg Floyd Co. Chronicle – 10-27 Richmond Register – 10-28 Robertson Co Mercury - 10-27 Rowan Co. News - 10-28 Salyersville Maggoffin – 10-28 Sentinel Echo London – 10-27 Times Tribune Corbin – 10-28 Whitesburg Mt. Eagle – 10-27 Williamsburg News Journal - 10-27 Winchester Sun – 10-26

NOTICE OF INTENT TO MINE Pursuant to Application Number 866-5164

(30) days of today's

NOTICE OF

INTENTION TO

MINE

Pursuant to

Application Number 866-7024,

Renewal 2

In accordance with the provisions of KRS 350.055, notice

KRS 350.055, notice is hereby given that ICG Hazard, LLC, 250 West Main Street, Suite 2000 Lexington, Kentucky 40507, has

applied for a renewal

of a permit for a haul

road located near the

intersection of Lee

co Road, Big Branch Road and Preacher Fork Road in Leslie

County. The pro-posed operation will

disturb 181.8 surface

tion is approximately

1.26 miles west from

acres total

date.

Renewal 3 In accordance with

the provisions of KRS 350.055, notice is hereby given that Blue Diamond Min-

ing, LLC, 250 West Main Street, Lexing ton, Kentucky 40507 has applied for a re-newal of an under-ground coal mining operation located 1.4 miles south Cutshin in Leslie County. The proposed operation will disturb 14.9 surwill disturb 14.9 sur-face acres and will underlie 255.0 acres, and the total area within the boundary will be 266.9 acres. will be 266.9 acres. The proposed opera-tion is approximately 0.35 miles northwest from Baker Fork County Roads junc-tion with Wolf Creek

The operation is lo-cated 3.03 miles east of Wendover in Leslie County. The opera-County Road and lo-cated 0.25 miles east of Wolf Creek. The proposed opera-tion is located on the Cutshin and Leath-erwood U.S.G.S 7 ½ 1.26 miles west from Big Branch's junction with Raccoon Creek and is located 1.26 miles west of Rac-coon Creek of Cut-chin Creach erwo. minute y. ms. The quadrangle surface area to be disturbed shin Creek. shin Creek. The proposed opera-tion is located on the Cutshin U.S.G.S. 7 1/2 minute quadran-gle map. The surface area to be disturbed is ourned by LCG Here is owned by Cook Campbell Natural Resources, LLC. The operation will underlie land owned by Cook Campbell Natural Re area to be disturbed is owned by ICG Haz-ard, LLC, ICG Haz-ard, LLC, et al., (ICG Hazard, LLC, Wil-liard and Essie How-ard, Bernice and Wil-liam Pruitt, Carl and Helen Howard), Vir-ii Fuersole, Gladus ources, LLC, Clayton Baker. Willie and ton Baker, Willie and Nannie Lewis Heirs (Sue Lewis, Charles Lewis, James Lew-is, Wanda Vickers, Brenda Daniels, Michael Lewis, Janette

gil Eversole, Gladys Hoskins, et al. (Betty Joyce Revis, Wil-liam Rush and Eliz-abeth Hoskins, Jill R. Fritz), Delvor and Easter Hensley et al. Gross, Michael Mir-acle, Emily Codnick, and Kentucky River Properties, LLC. The application has been filed for public Easter Hensley, et al. tion at the Di-(Ron Turner, Seldon vision of Mine Recla-mation and Enforce-ment's Middlesboro Regional Office, 1804 Hensley, Marie Asher, Katherime Rebecca Woods, Byron Turner, Deborah M. Hensley, Delvor and Easter Hensley), Dolphie Farler, et al. (Dol-phie Farler, Glen and Viola Moffet, Theo and Dorothy Cornett, Delmer and Pamela Morgan, Kenneth and Peggy Morgan, Willie and Verdie Morgan, Edward Ray Mos Hensley, Marie Asher, East Cumberland Av-Middlesboro nue Kentucky 40965-Kentucky 40965-1229. Written com-ments, objections or requests for a permit conference must be filed with the Director, Division of Mine Permits, 300 Sower Boulevard, Frankfort.

Farriston

Joseph)

and Verdie Morgan, Edward Ray Mor-gan, Carolyn Mor-gan, Lance and Alice Morgan, Malcolm and Grace Morgan), KY 40601. This is the final advertisement of the application. All comthe

BEECHWOOD APARTMENTS

Beechwood Apartments is currently accepting applications for immediate openings for one bedroom and efficiency units. You must be 55 or older to qualify. Some utilities included and rent is based on income. Visit Paige at 259 Hickory Street, Hyden Kentucky, or call 606-672-3938 Monday Friday 8:30 am-4pm.



Classifieds ments, objections, or requests for a permit conference must be received within thirty J.H. Hensley Heirs Elizabeth D. Keen, \$132,000.00 is in-(Seldon and Carmol Betty and Joey Camp-Hensley, Delvor and tion for releas Hensley, Delvor and Easter Hensley, Vellis and Mollie Hensley, Easter Hensley), El-don Hoskins, Lester Morgan, et al.(Lester

Morgan, Norman Morgan), Revelation

Debbie Morgan, Rose L. and Clark Siddle,

and Norman Bow-er, Curtis and Gina

er, Curtis and Gina Morgan, Charles E. and Ingrid Morgan), Kentucky River Prop-erties LLC, Nora Howard Heirs (Wil-liom and Ercia Horis

liam and Essie How-

ard, Bernie and Wil-liam Pruitt, Carl and

liam Pruitt, Carl and Helen Howard, Edna M. and R. Stephen Kuntz, and Hirman Jr. and Evelyn Howard), and Hensley - Kram-er et al. (Elizabeth H.

Kramer, Paul and Bet-

Kramer, Paul and Bet-ty Hensley). The application has been filed for public inspection at the Di-vision of Mine Recla-

mation and Enforce-ment's Middlesboro

Regional Office, 1804

Regional Office, 1804 East Cumberland Av-enue Middlesboro, Kentucky 40965-1229. Written com-ments, objections or

requests for a permit conference must be

filed with the Direc-tor, Division of Mine Permits, 300 Sower Boulevard, Frankfort,

This is the final ad-

MINE

Pursuant to

KY 40601.

date

the

Branch.

Betty and Joey Camp-bell, Thomas Keen, Danny Keen, c/o Eliz-abeth Anne Campbell, Mona Keen Stephens, Helen Haynes, Nancy H. Taul, William J. Haynes, Tricia H. Ap-Haynes, Incla H. Ap-pel, Lea Ann Haynes), Chester Begley Heirs: (Hiram and Linda Cornett, Bennie and Bonnie Burton),(-Jasper Begley Heirs) Harold Baelay Do Morgan), Revelation Energy, LLC, Peter and Ena Morgan, et al. (Jessica Freels, Lucille and Raleigh Jones, Jacob A. Freels, Jeffery and Dabhio Morgan, Passa Harold Begley, Do-ris Crase, Martha Crase, Douglas Beg Crase, Douglas Beg-ley, Donald Begley, Wilma Harrison, Joan and J.B. Mor-gan, Carol Helton, Daymond Begley, Begley Properties, L. and Clark Siddle, Nancy Jean Freels, John C. and Karen Morgan, Ralph, Jr. Smith, Addie Morgan Begley Properties, LLC. and Penn Vir-ginia Operating Co., LLC, Dean Eversole, Lila Keen and Emily Page Keen, Terry and Undith Lung Wilcon Judith Lynn Wilson Virginia B. Luttrell Thompson Jean Jean Thompson & V.A Martha Maggard Heirs: (Frank E. and Edna Wilcher, Harold & Martha L. Judd, Newell and Martha Bolton, Sue Ann Thompson, Energy Transfer Partners Dba PVR Coal), Bill and Marsha Detherage, Penn Virginia Operating Company LLC Roy and Regina Size-Roy and Regina Size-more, Arlle Morris, Blue Jean Engle and Janice Feltner. The operation will change the land use to pas-tureland tureland. The application has been filed for pub-lic inspection at the Division of Mine for release It inspection at the Division of Mine Reclamation and Enforcement's Mid-dlesboro Regional dlesboro Regional Office, 1804 E Cumof 2013. berland Avenue, Mid-

This is the final ad-vertisement of the application. All com-ments, objections, or requests for a permit conference must be received within thirty (30) days of tedays berland Avenue, Mid-dlesboro, Kentucky 40965. Written com-ments, objections, or requests for a permit conference must be filed with the Direc-tor Division of Mina (30) days of today's tor, Division of Mine er Blvd., Frankfort, Kentucky 40601. NOTICE OF INTENTION TO NOTICE OF

BOND RELEASE Permit Number 866-0375

Application Number 866-0330. In accordance with the provisions of KRS 350.093, notice Major Revision #9 In accordance with provisions of the provisions of KRS 350.070, notice is hereby given that Detherage Minerals, Inc., 300 Liperote Way, London, Kenis hereby given that Cardinal Reclamation Company, LLC. tion Company, LLC, 43029 Industrial Park Drive, Cadiz, Ohio 43907, has applied for Phase I bond release on Permit Number 866-0375, Increments Way, London, Kelp-tucky 40741, has ap-plied for a Major Re-vision to an existing surface coal mining and reclamation oper-ation located located pupprovimately 1 70 5, 10, 11, 12, 13, 17 27, 28, 29, and 30 which was last issued on 1/07/2021. The application covers an approximately 1.70 miles east of Dryhill in Leslie County. The permit consists of permit consists of 301.18 acres of sur-face disturbance. The operation is loarea of approximately 944.4 surface acres. It is located 0.60 miles south of Chappell south of Chappell, Kentucky in Leslie County. The opera-tion is approximately 2.3 miles northeast from KY 2009's junccated approximate-ly 0.11 miles south ly 0.11 miles south from Grassy Branch Road's junction with the Hal Rogers Park-way and located 0.17 miles north of Aces Branch tion with KY 2008 and located 0.5 miles and located 0.5 links north of the conflu-ence of Lewis Creek and Greasy Creek. The operation is lo-The operation is lo-The operation is lo-cated on the Ogle U.S.G.S 7 ¼ minute quadrangle map. The surface area to be af-fected is owned by J.M Keen Heirs: (Lila Keen, David W. and Furna L. Kean, Loho cated on the Cutshin and Bledsoe USGS ½ minute quadrangle map. Latitude is 36.5956. Longitude is -83.1744. For Increment No. 5, approximately 60 percent of the origi-

Emma L. Keen, John Emma L. Keen, John D. and Carolyn Pace, Charlotte and Spen-cer Noe, Claude Bak-er, John and Ginny Sweeney, Donald W. and Mary Sweeney, Debeser Willie Deb nal bond amount of \$45,180.00 is included in the application for release. For Increment No. 10, approximately 60 percent of the origi-Rebecca Willis, Rob ert Hoffman, Lila and ert Hoffman, Lila and Troy Barnhardt, John Edsel and Debbie Keen, Thomas M. and Debbie Keen, B.G PK and Mary Ellen Keen, Charles

nal bond amount of \$22,300.00 is includ-\$22,300.00 is includ-ed in the application for release. For Increment No. 11, approximately 60 percent of the origi-nel hand arount of and Mary Keen, Agnes K. and John Schultz, Edna Keen, Melvin Keen, Emily Page Keen, nal bond amount of

cluded in the applicaand Bledsoe USGS 1/2 minute quadran-For Increment No. 12, approximately 60 percent of the origi-nal bond amount of \$288,100.00 is ingle map. Latitude is 36.5956. Longitude is -83.2018. For Increment No 3, approximately 60 cluded in the applicapercent of the orig percent of the orig-inal bond amount is included in the appli-cation for release. For Increment No. 4, approximately 60 tion for release For Increment No. 13, approximately 60 percent of the origi-nal bond amount of \$311,300.00 is inpercent of the orig-inal bond amount is cluded in the applicaincluded in the applition for release For Increment No cation for release 17, approximately 60 percent of the origi-nal bond amount of \$296,600.00 is in-For Increment No. 9, approximately 60 percent of the orig-inal bond amount is cluded in the applicaincluded in the applition for release cation for release cation for release. Reclamation work performed includes backfilling, grading, seeding, and mulch-ing that was complet-ed during the spring of 2000 For Increment No 27, approximately 60 percent of the origi-nal bond amount of \$76,700.00 is included in the application for release of 2000. For Increment No Written comments. Written comments, objections, and re-quests for a public hearing or informal conference must be filed with the Direc-28, approximately 60 percent of the origi-nal bond amount of \$253,500.00 is included in the application for release tor, Division of Mine For Increment No Reclamation and En 29, approximately 60 percent of the origi-nal bond amount of \$75,000.00 is includforcement, 300 Sow-er Blvd., Frankfort, Kentucky 40601 by Monday, January 03, ed in the application 2022 for release A public hearing or For Increment No 30, approximately 60 percent of the origi-nal bond amount of \$75,000.00 is includ-

A public hearing on the application has been scheduled for Tuesday, January 04, 2022 at 9:00 a. m. at the Department for Natural Resources Middlesboro Regioned in the application Middlesboro Region-al Office. The hearing will be cancelled if no request for a hearing or informal confer-ence is received by Monday, January 03, 2022 Reclamation work performed includes performed includes backfilling, grading, seeding, and mulch-ing that was completed during the summer 2022 Written comments

Written comments, objections, and re-quests for a public hearing or informal conference must be filed with the Direc-tor, Division of Mine Paclawation and En PUBLIC NOTICE Pursuant to 405 KAR 8:010, Section 16(5), the following is a summary of permit-ting decisions made by the Department for Natural Resourc-es, Division of Mine Permits with respect of annifications to tor, Division of Mine Reclamation and En-forcement, 300 Sow-er Blvd., Frankfort, Kentucky 40601 by Monday, December 27, 2021. to applications conduct coal min-ing and reclamation A public hearing on operations in Leslie County.

A public hearing on the application has been scheduled for Tuesday, December 28, 2021 at 9:00 a. m. at the Department for Natural Resources Middlesboro Region-al Office, 1804 East Combarland Auanua B&W RESOURCES BLUE DIAMOND MINING, INC Cumberland Avenue 8665161 CARDINAL REC-LAMATION COM-PANY, LLC Middlesboro, Ken-tucky 40965. The hearing will be can-celled if no request 8660380

ICG HAZARD LLC for a hearing or in-formal conference is received by Monday December 27, 2021. NOTICE OF NOTICE OF PUBLIC HEARING

BOND RELEASE Permit Number 866-0376 accordance with

acres.

nonwealth of Kentucky the provisions of KRS 350.093, notice nas scheduled an eviden KKS 550.055, holice is hereby given that Cardinal Reclama-tion Company, LLC, 43029 Industrial Park tiary hearing in Case No. 2021-00185 on the Appli cation of Delta Natural Gas Company, Inc. for an Drive, Cadiz, Ohio 43907, has applied for Phase I bond adjustment of its rates The hearing is set for November 16, 2021, Norelease on Permit Number 866-0376 vember 17, 2021 and No-Number 866-03/6 Increments 3, 4 & 9 which was last issued on 8/26/2021. The vember 18, 2021 at 9:00 a.m. Eastern Standard Time at the Commission's application covers an offices located at 211 area of approximately 436.46 surface acres Sower Boulevard, Frankfort, Kentucky for the pu and underlies 124.13 acres, with the total area within the permit boundary of 560.59 cose of taking evidence in Delta Natural Gas ompany, Inc.'s Application. This hearing will be streamed live and may be It is located 0.60 miles south of Chappell, Kentucky in Leslie County. The operaviewed on the PSC vebsite, psc.ky.gov. Pub-County. The tion is approximation ic comments may be nade at the beginning of the hearing. Those wish-1.10 miles north from KY 2009's junction ing to make oral public with KY 2008 and located 0.18 miles ea mments may do so by of Greasy Creek. The nearest named stream is Britton Branch. The operation is lofollowing the instructions isted on the PSC website, psc.ky.gov.

The Leslie County News....Hyden, Kentucky....41749....November 11, 2021....Page 3 cated on the Cutshin COURTS ADDRESS EXECUTOR: EXECUTOR: ATTORNEY OF RECORD: COURTS COURT IN 10 DAYS. THAT TIME. 8660363 NOTICE is hereby given hat the Public Se Commission of the Com-A

COMMONWEALTH OF KENTUCKY LESLIE CIRCUIT AND DISTRICT P.O. BOX 1750 HVDEN KV 41749 PROBATE CASE NO. 21-P-00109 NOTICE OF PROBATE N RE: ESTATE OF Travis Edward Couch 163 Songbird Lane Hyden, KY 41749 Angela S. Watts P.O. Box 414 Bulan, KY 41722 ALL CREDITORS MUST FILE CLAIM. (6) SIX MONTHS FROM DATE OF AP-POINTMENT. APPOINTMENT DATE: 11-2-21 ATTORNEY OF RECORD: COMMONWEALTH OF KENTUCKY LESLIE CIRCUIT AND DISTRICT COURTS P.O. BOX 1750 HYDEN, KY 41749 PROBATE CASE NO. 21-P-00103 NOTICE OF PROBATE IN RE: ESTATE OF Charles Sizemore ADDRESS P.O. Box 867 36 Purple Martin Ln Thousandsticks, KY 41766 Juanita Sizemore P.O. Box 867 Hyden, KY 41722 ALL CREDITORS MUST FILE CLAIM (6) SIX MONTHS FROM DATE OF AP-POINTMENT. APPOINTMENT DATE: 11-2-21 Leroy Lewis PO Box 915 Hyden, KY 41749 COMMONWEALTH OF KENTUCKY LESLIE CIRCUIT AND DISTRICT P.O. BOX 1750 HYDEN, KY 41749 PROBATE CASE NO. 21-P-00029 NOTICE OF FILING FINAL SETTLEMENT IN RE: ESTATE OF Jae Salvers Marilyn_Salvers EXECUTOR OF THE SAID ESTATE, IS HEREBY GIVING NOTICE THE FINAL SETTLEMENT WIL BE HE DE DIVISION ED DIVISION WILL BE HEARD IN LESLIE DISTRICT CLAIMS MUST BE FILED BY **Stay Informed** Subscribe to The Leslie **County News** Today **PO Box 967** Hyden, KY 41749 Call 672-2841 Have Great

Day