

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)	CASE NO. 2021-00185
CONVENIENCE AND NECESSITY)	

**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.

Dated: November 12, 2021

Respectfully submitted,

Monica H. Braun

Monica H. Braun
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Stoll Keenon Ogden PLLC
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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.

Marcia H. Braun

NOTARIZED PROOF OF PUBLICATION

STATE OF KENTUCKY

COUNTY OF Franklin

Before me, a Notary Public, in and for said County and State, this 8th day of November, 2021, 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 the attached list of publications ran the Notice of Public Hearing for Case No.: 2021-00185

for Delta Natural Gas Company Inc.

Rachel McCarty
Signed

Bonnie J. Howard
Notary Public

My commission expires 9-18-2024
Id. # 14119

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

Classifieds

NOTICE OF INTENT TO MINE Pursuant to Application Number 866-5164 Renewal 3

In accordance with the provisions of KRS 350.055, notice is hereby given that Blue Diamond Mining, LLC, 250 West Main Street, Lexington, Kentucky 40507, has applied for a renewal of an underground coal mining operation located 1.4 miles south of Cutshin in Leslie County. The proposed operation will disturb 14.9 surface acres and will underlie 255.0 acres, and the total area within the boundary will be 266.9 acres. The proposed operation is approximately 0.35 miles northwest from Baker Fork County Roads junction with Wolf Creek County Road and located 0.25 miles east of Wolf Creek.

The proposed operation is located on the Cutshin and Leatherwood U.S.G.S. 7 1/2 minute quadrangle map. The surface area to be disturbed is owned by Cook Campbell Natural Resources, LLC. Clayton Baker, Willie and Nannie Lewis Heirs (Sue Lewis, Charles Lewis, James Lewis, Wanda Vickers, Brenda Daniels, Michael Lewis, Janette Joseph), Farriston Gross, Michael Miracle, Emily Codrick, and Kentucky River Properties, LLC.

The application has been filed for public inspection at the Division of Mine Reclamation and Enforcement's Middleboro Regional Office, 1804 East Cumberland Avenue Middleboro, Kentucky 40965-1229. Written comments, objections or requests for a permit conference must be filed with the Director, Division of Mine Permits, 300 Sower Boulevard, Frankfort, KY 40601.

This is the final advertisement of the application. All comments, objections, or requests for a permit conference must be received within thirty (30) days of today's date.

NOTICE OF INTENT TO MINE Pursuant to Application Number 866-7024, Renewal 2

In accordance with the provisions of 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 proposed operation will disturb 181.8 surface acres total. The operation is located 3.03 miles east of Wendover in Leslie County. The operation is approximately 1.26 miles west from Big Branch's junction with Raccoon Creek and is located 1.26 miles west of Raccoon Creek of Cutshin Creek.

The proposed operation is located on the Cutshin U.S.G.S. 7 1/2 minute quadrangle map. The surface area to be disturbed is owned by Cook Campbell Natural Resources, LLC. Clayton Baker, Willie and Nannie Lewis Heirs (Sue Lewis, Charles Lewis, James Lewis, Wanda Vickers, Brenda Daniels, Michael Lewis, Janette Joseph), Farriston Gross, Michael Miracle, Emily Codrick, and Kentucky River Properties, LLC.

The application has been filed for public inspection at the Division of Mine Reclamation and Enforcement's Middleboro Regional Office, 1804 East Cumberland Avenue Middleboro, Kentucky 40965-1229. Written comments, objections or requests for a permit conference must be filed with the Director, Division of Mine Permits, 300 Sower Boulevard, Frankfort, KY 40601.

This is the final advertisement of the application. All comments, objections, or requests for a permit conference must be received within thirty (30) days of today's date.

NOTICE OF INTENT TO MINE Pursuant to Application Number 866-0330, Major Revision #9

In accordance with the provisions of KRS 350.070, notice is hereby given that Detherage Minerals, Inc., 300 Liperote Way, London, Kentucky 40741, has applied for a Major Revision to an existing surface coal mining and reclamation operation located approximately 1.70 miles east of Dryhill in Leslie County. The permit consists of 301.18 acres of surface disturbance.

The operation is located approximately 0.11 miles south from Grassy Branch Road's junction with the Hal Rogers Parkway and located 0.17 miles north of Aces Branch. The operation is located on the Ogle U.S.G.S 7 1/2 minute quadrangle map. The surface area to be affected is owned by JM Keen Heirs: (Lila Keen, David W. and Emma L. Keen, John D. and Carolyn Pace, Charlotte and Spencer Noe, Claude Baker, John and Ginny Sweeney, Donald W. and Mary Sweeney, Rebecca Willis, Robert Hoffman, Lila and Troy Barnhardt, John Edsel and Debbie Keen, Thomas M. and Debbie Keen, B.G PK and Mary Ellen Keen, Charles and Mary Keen, Agnes K. and John Schultz, Edna Keen, Melvin Keen, Emily Page Keen,

Elizabeth D. Keen, Betty and Joey Campbell, Thomas Keen, Danny Keen, c/o Elizabeth Anne Campbell, Mona Keen Stephens, Helen Haynes, Nancy H. Taul, William J. Haynes, Tricia H. Appel, Lea Ann Haynes), Chester Begley Heirs: (Hiram and Linda Cornett, Bennie and Bonnie Burton), Jasper Begley Heirs: (Harold Begley, Doris Crase, Martha Crase, Douglas Begley, Donald Begley, Wilma Harrison, Joan and J.B. Morgan, Carol Helton, Daymond Begley, Begley Properties, LLC, and Penn Virginia Operating Co., LLC, Dean Eversole, Lila Keen and Emily Page Keen, Terry and Judith Lynn Wilson, Virginia B. Luttrell, 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 Sizemore, Arlie Morris, Blue Jean Engle and Janice Felner. The operation will change the land use to pastureland. The application has been filed for public inspection at the Division of Mine Reclamation and Enforcement's Middleboro Regional Office, 1804 E Cumberland Avenue, Middleboro, Kentucky 40965. Written comments, objections, or requests for a permit conference must be filed with the Director, Division of Mine Permits, 300 Sower Blvd., Frankfort, Kentucky 40601.

NOTICE OF BOND RELEASE Permit Number 866-0375

In accordance with the provisions of KRS 350.093, notice is hereby given that Cardinal Reclamation Company, LLC, 43029 Industrial Park Drive, Cadiz, Ohio 43907, has applied for Phase I bond release on Permit Number 866-0375. Increments 5, 10, 11, 12, 13, 17, 27, 28, 29, and 30, which was last issued on 1/07/2021. The application covers an area of approximately 944.4 surface acres. It is located 0.60 miles south of Chappell, Kentucky in Leslie County. The operation is approximately 2.3 miles northeast from KY 2009's junction with KY 2008 and located 0.5 miles north of the confluence of Lewis Creek and Greasy Creek. The operation is located on the Cutshin and Bledsoe USGS 7 1/2 minute quadrangle map. Latitude is 36.5956, Longitude is -83.1744.

For Increment No. 5, approximately 60 percent of the original bond amount of \$45,180.00 is included in the application for release. For Increment No. 10, approximately 60 percent of the original bond amount of \$22,300.00 is included in the application for release. For Increment No. 11, approximately 60 percent of the original bond amount of \$132,000.00 is included in the application for release. For Increment No. 12, approximately 60 percent of the original bond amount of \$288,100.00 is included in the application for release. For Increment No. 13, approximately 60 percent of the original bond amount of \$296,600.00 is included in the application for release. For Increment No. 27, approximately 60 percent of the original bond amount of \$76,700.00 is included in the application for release. For Increment No. 28, approximately 60 percent of the original bond amount of \$253,500.00 is included in the application for release. For Increment No. 29, approximately 60 percent of the original bond amount of \$75,000.00 is included in the application for release. For Increment No. 30, approximately 60 percent of the original bond amount of \$75,000.00 is included in the application for release. Reclamation work performed includes backfilling, grading, seeding, and mulching that was completed during the spring of 2000. Written comments, objections, and requests for a public hearing or informal conference must be filed with the Director, Division of Mine Reclamation and Enforcement, 300 Sower Blvd., Frankfort, Kentucky 40601 by Monday, January 03, 2022. 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 Middleboro Regional Office. The hearing will be cancelled if no request for a hearing or informal conference is received by Monday, January 03, 2022.

PUBLIC NOTICE
Pursuant to 405 KAR 8:010, Section 16(5), the following is a summary of permitting decisions made by the Department for Natural Resources, Division of Mine Permits with respect to applications to conduct coal mining and reclamation operations in Leslie County.

B&W RESOURCES
8660354
BLUE DIAMOND MINING, INC
8665161
CARDINAL RECLAMATION COMPANY, LLC
8660380
ICG HAZARD LLC
8660363

NOTICE OF PUBLIC HEARING
NOTICE is hereby given that the Public Service Commission of the Commonwealth of Kentucky has scheduled an evidentiary hearing in Case No. 2021-00185 on the Application of Delta Natural Gas Company, Inc. for an adjustment of its rates. The hearing is set for November 16, 2021, November 17, 2021 and November 18, 2021 at 9:00 a.m. Eastern Standard Time at the Commission's offices located at 211 Sower Boulevard, Frankfort, Kentucky for the purpose of taking evidence on Delta Natural Gas Company, Inc.'s Application. This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov. 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.

COMMONWEALTH OF KENTUCKY LESLIE CIRCUIT AND DISTRICT COURTS
P.O. BOX 1750
HYDEN, KY 41749
PROBATE CASE NO. 21-P-00109

NOTICE OF PROBATE
IN RE: ESTATE OF Travis Edward Couch
ADDRESS 163 Songbird Lane Hyden, KY 41749
EXECUTOR: Angela S. Watts P.O. Box 414 Bulan, KY 41722

ALL CREDITORS MUST FILE CLAIM, (6) SIX MONTHS FROM DATE OF APPOINTMENT.
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
EXECUTOR: Juanita Sizemore P.O. Box 867 Hyden, KY 41722

ALL CREDITORS MUST FILE CLAIM, (6) SIX MONTHS FROM DATE OF APPOINTMENT.
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
EXECUTOR: Juanita Sizemore P.O. Box 867 Hyden, KY 41722

ALL CREDITORS MUST FILE CLAIM, (6) SIX MONTHS FROM DATE OF APPOINTMENT.
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-00029

NOTICE OF FILING FINAL SETTLEMENT
IN RE: ESTATE OF Jae Salzers
Marilyn Salzers EXECUTOR OF THE SAID ESTATE, IS HEREBY GIVING NOTICE THE FINAL SETTLEMENT WILL BE HEARD IN LESLIE DISTRICT COURT IN 10 DAYS.
ANY CLAIMS MUST BE FILED BY THAT TIME.

Stay Informed
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The Leslie
County News
Today
PO Box 967
Hyden, KY
41749
Call 672-2841

Have A Great Day

Blue Grass PEST MANAGEMENT, LLC
Andrew Maggard, Tech/Sales
Richard Martin, Owner
Over 25 Years in Business

424 East Main St. 3317 Presson Trl Rd. 444 N. McKeithers St.
Hazard, KY 41701 Leburn, KY 41831 London, KY 40321
(606) 435-1500 (606) 785-5185 (606) 862-1500

424 East Main St. 3317 Presson Trl Rd. 444 N. McKeithers St.
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