

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST)	
KENTUCKY POWER COOPERATIVE, INC. FOR)	
A (1) CERTIFICATE OF PUBLIC CONVENIENCE)	CASE NO.
AND NECESSITY FOR THE CONSTRUCTION OF)	2022-00314
TRANSMISSION FACILITIES IN MADISON)	
COUNTY, KENTUCKY; AND (2) DECLARTORY)	
ORDER CONFIRMING THAT A CERTIFICATE OF)	
PUBLIC CONVIENANCE AND NECESSITY IS)	
NOT REQUIRED FOR CERTAIN FACILITIES)	

**NOTICE OF FILING REQUEST FOR ADDITIONAL
HEARING NOTICE PUBLICATION AND MOTION FOR DEVIATION**

Comes now East Kentucky Power Cooperative, Inc. (“EKPC”), by and through counsel, and gives notice of filing its additional request to the Kentucky Press Association for publication of the hearing notice in this matter. A copy of the Hearing Notice that was provided by EKPC with its email request was attached to the initial filing made on January 12, 2023 along with a copy of the proof provided by Kentucky Press Association. After the initial filing was made, EKPC realized that it did not request for the hearing notice to be published in the *Richmond Register*, which is the local newspaper for the project area. The request was made on January 13, 2023 and the notice ran on January 17, 2023.

The Commission’s Order setting this case for hearing on January 24, 2023 was entered on January 12, 2023. EKPC drafted a hearing notice and set its initial request for publication to the Kentucky Press Association on the same day. On January 13, 2023, EKPC requested that the hearing notice also be published in the *Richmond Register* since it is the local paper for the project area of Madison County. The Kentucky Press Association was able to have the Notice

ran in the *Lexington Herald Leader*, *Richmond Register* and *Covington Kentucky Enquirer* on January 17, 2023, which is seven days prior to the hearing date. However, the *Louisville Courier Journal* did not publish the notice until January 18, 2023 because it only publishes notice certain days of the week and that was the earliest date notice could be published. In addition, the *Richmond Register* notified the Kentucky Press Association that the Notice that was printed in the newspaper on January 17, 2023 was “blurry” but the online version was clear and they could not explain why this had occurred. Out of an abundance of caution, the *Richmond Register* ran the Notice again on January 19, 2023.

EKPC is requesting a deviation from the requirements set forth in 807 KAR 5:001E Section 9(2)(b) for the notice to be published no later than seven days prior to the hearing date. EKPC received the Commission’s Order on January 12, 2023 setting the hearing for January 24, 2023. EKPC drafted the Notice the same date the Order was issued and sent a request to Kentucky Press Association to print the notice in the *Lexington Herald Leader*, *Covington Kentucky Enquirer* and *Louisville Courier Journal* that same day. The next day, January 13, 2023, EKPC sent a request to the Kentucky Press Association to print the Notice in the *Richmond Register*. EKPC was able to get the Notice published in three of the four newspapers on January 17, 2023 which is seven days from the hearing date. The *Courier Journal* was not able to publish the Notice until January 18, 2023 due to its schedule of running notices and the *Richmond Register* had an error that could not be explained regarding the printed version of the Notice being blurry. The *Richmond Register* did have a clear Notice published in its online version and reran the Notice on January 19, 2023.

WHEREFORE, based on the foregoing, EKPC is requesting a deviation from 807 KAR 5:001E Section 9(2)(b) for the late notice publication of the *Courier Journal* and for the blurry

publication by the *Richmond Register*. EKPC has substantially complied with the notice requirements contained in 807 KAR 5:001 Section 9(2)(b) and the errors that occurred were beyond the control of EKPC.

This 23rd day of January, 2023.

Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing was transmitted to the Commission on January 23, 2023; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that pursuant to prior Commission Orders, no paper copies of this filing will be made.



Counsel for East Kentucky Power Cooperative, Inc.

From: Rachel McCarty [REDACTED]
Sent: Friday, January 13, 2023 9:26 AM
To: Jessica Fitch-Snedegar [REDACTED]
Subject: RE: Proof attached....Re: Please Publish for Public Hearing - East Kentucky Power Cooperative

CAUTION: This email originated from outside of EKPC. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Jessica
Paper rep said they can get the ad in tues for us.
Let me know if you need anything else.
Hope you have a great weekend.

From: Jessica Fitch-Snedegar [REDACTED]
Sent: Friday, January 13, 2023 9:03 AM
To: Rachel McCarty
Cc: Allyson Honaker [REDACTED]; Chris Adams
Subject: RE: Proof attached....Re: Please Publish for Public Hearing - East Kentucky Power Cooperative

Rachel,
You are the best!
One more request – this project is in Madison County. Can we additionally have this published in the Richmond Register?