

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

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In the Matter of:	)	
	)	
ELECTRONIC APPLICATION OF DUKE	)	CASE NO. 2022-00372
ENERGY KENTUCKY, INC. FOR (1) AN	)	
ADJUSTMENT OF ELECTRIC RATES; (2)	)	
APPROVAL OF NEW TARIFFS; (3)	)	
APPROVAL OF ACCOUNTING	)	
PRACTICES TO ESTABLISH	)	
REGULATORY ASSETS AND	)	
LIABILITIES; AND (4) ALL OTHER	)	
REQUIRED APPROVALS AND RELIEF	)	

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**THE KENTUCKY BROADBAND AND CABLE ASSOCIATION’S MOTION TO  
APPEAR VIRTUALLY AT THE MAY 9-12 HEARING**

Pursuant to 807 KAR 5:001, Sections 5 and 9, the Kentucky Broadband and Cable Association (“KBCA”) respectfully moves the Commission to allow it and its witness(es) to appear virtually during the May 9-12, 2023, hearing. In support of its motion, KBCA states as follows:

On December 15, 2023, the Commission accepted for filing Duke Energy Kentucky, Inc.’s (“Duke Energy’s”), application for an adjustment of electric rates, approval of new tariffs, approval of changes to accounting practices when establishing regulatory assets, and any other necessary approval or relief (“Application”). On December 19, 2022, the Commission issued a scheduling order setting a hearing on Duke Energy’s Application for May 9-12, 2023.

On January 3, 2023, KBCA filed a petition to intervene in this matter, which the Commission granted on January 17, 2023. On March 10, 2023, KBCA submitted the testimony of Patricia Kravtin, which addresses Duke Energy’s proposed increase to its pole attachment

rental rates. On March 23, 2023, the Commission issued an order requiring that “[w]itnesses who sponsor . . . testimony, or responses to requests for information shall participate in person at the hearing.” On April 7, 2023, KBCA submitted responses to Duke Energy’s requests for information, which included verified responses from Patricia Kravtin and Jason Keller, an employee of Charter Communications and chair of the KBCA. KBCA has not submitted testimony or responses from any other witnesses, or addressed any issue other than pole attachment rates raised in Duke Energy’s Application.

KBCA respectfully moves the Commission to allow it and its witness, Patricia Kravtin, and to the extent necessary, Jason Keller, to appear remotely by videoconference during the May 9-12 hearing. Ms. Kravtin resides outside of the Commonwealth and will be traveling back to the United States on the first day of the hearing. Ms. Kravtin’s international travel was scheduled and paid for prior to her retention in this matter. Ms. Kravtin’s testimony addresses a discrete issue in this proceeding related to pole attachment rates, and requiring her to appear in person would present significant hardship and require substantial time and expense associated with traveling internationally. Ms. Kravtin has participated virtually in numerous hearings before other administrative bodies, including the Georgia Public Service Commission, California Public Utilities Commission, and New Hampshire Public Utilities Commission, and will ensure she is fully equipped to participate virtually in this hearing. She and counsel for KBCA have also appeared virtually before this Commission.

KBCA also respectfully requests the Commission to allow Jason Keller to participate in the hearing virtually, to the extent his participation is required. Mr. Keller submitted verified responses to certain administrative questions posed by Duke Energy in its requests for information, including questions related to the identification of KBCA’s witnesses, exhibits, and

any agreements with third parties (none). Mr. Keller did not provide substantive testimony related to this matter, and KBCA does not expect to call him at the hearing. If his appearance is required, KBCA requests the Commission to allow Mr. Keller to participate virtually.

Finally, KBCA requests the Commission to allow its counsel to appear and present any necessary cross-examination virtually. Because Duke Energy has not yet submitted testimony in this matter, KBCA does not know the extent to which cross examination will be necessary. But if Duke Energy does submit testimony to rebut Ms. Kravtin's testimony, KBCA requests the Commission to allow KBCA's lead counsel, who reside outside of the Commonwealth, to appear remotely. While KBCA addresses important issues raised by Duke Energy's Application, its participation at the hearing will be limited. Granting this motion will save significant expense for KBCA, while still allowing it to present meaningful cross examination to aid the Commission in evaluating Duke Energy's Application. In addition, KBCA's Kentucky-based counsel will attend the hearing in person at the Commission's offices in Frankfort.

Allowing KBCA and its witnesses to participate virtually will not prejudice the Commission or any other party. KBCA will ensure its counsel and witness(es) are fully equipped with the technology necessary to appear virtually, and will participate in a test of technology with Commission Staff to ensure it is working properly. KBCA further agrees to bear any additional cost incurred by the Commission as a result of KBCA's virtual participation.

WHEREFORE, KBCA respectfully requests the Commission to allow it, its counsel, and its witness(es) to participate virtually in the May 9-12, 2023.

Respectfully Submitted,

/s/ M. Todd Osterloh

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