

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

**In the Matter of:**

|  |   |                            |
|--|---|----------------------------|
| <b>ELECTRONIC JOINT APPLICATION OF</b>     | ) |                            |
| <b>KENTUCKY UTILITIES COMPANY AND</b>      | ) |                            |
| <b>LOUISVILLE GAS AND ELECTRIC COMPANY</b> | ) | <b>Case No. 2022-00402</b> |
| <b>FOR CERTIFICATES OF PUBLIC</b>          | ) |                            |
| <b>CONVENIENCE AND NECESSITY AND SITE</b>  | ) |                            |
| <b>COMPATIBILITY CERTIFICATES AND</b>      | ) |                            |
| <b>APPROVAL OF A DEMAND SIDE</b>           | ) |                            |
| <b>MANAGEMENT PLAN</b>                     | ) |                            |

**SIERRA CLUB’S NOTICE OF FILING**

Sierra Club respectfully submits this Notice of Filing regarding its August 25, 2023 request to take administrative notice of EPA’s Memorandum to the Steam Electric Rulemaking Record, EPA-HQ-OW-2009-0819, captioned, *Generating Unit-Level Costs and Loadings Estimates by Regulatory Option for the Proposed 2023 Effluent Limitations Guidelines*, which was pre-marked at the hearing as Exhibit SC-7, and is attached to this filing for the Commission’s convenience. Applicants Kentucky Utilities Company and Louisville Gas and Electric Company did not object to Sierra Club’s request to take notice. In accordance with the Commission’s directive, Sierra Club respectfully represents that the attached memorandum is available on EPA’s publicly-accessible docket for the 2023 Effluent Limitations Guidelines

rulemaking. The document may be accessed at <https://www.regulations.gov/document/EPA-HQ-OW-2009-0819-9686>.<sup>1</sup>

Because the record of EPA’s costs estimates for the Effluent Limitations Guidelines are “capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned,”<sup>2</sup> Sierra Club respectfully requests that the Commission take administrative notice of the technical memorandum setting out those estimates.

Dated: August 28, 2023

*Of counsel* (not licensed in Kentucky)

Kathryn Huddleston  
Sierra Club  
6406 N I-35, Suite 1805  
Austin, TX 78752  
(713) 714-6384  
[kate.huddleston@sierraclub.org](mailto:kate.huddleston@sierraclub.org)

Joshua Smith  
Tony Mendoza  
Sierra Club  
2101 Webster St., Suite 1300  
Oakland, CA 94612  
(415) 977-5560  
[joshua.smith@sierraclub.org](mailto:joshua.smith@sierraclub.org)  
[tony.mendoza@sierraclub.org](mailto:tony.mendoza@sierraclub.org)

Respectfully submitted,

/s/ Joe F. Childers  
Joe F. Childers, Esq.  
Childers & Baxter, PLC  
The Lexington Building  
201 West Short Street, Suite 300  
Lexington, KY 40507  
(859) 253-9824  
[joe@jchilderslaw.com](mailto:joe@jchilderslaw.com)

---

<sup>1</sup> The document may also be accessed at [www.regulations.gov](http://www.regulations.gov), and by entering the following document number in the search bar: “EPA-HQ-OW-2009-0819-9686.”

<sup>2</sup> Ky. R. Evid. 201.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing Sierra Club submission was served upon all parties of record in this proceeding on August 28, 2023, by first-class U.S. mail, hand delivery, and/or e-mail, as permitted by the presiding officer.

/s/ Joe F. Childers

Joe F. Childers, Esq.  
Childers & Baxter, PLC