

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
KENTUCKY UTILITIES COMPANY AND)	
LOUISVILLE GAS AND ELECTRIC)	
COMPANY FOR CERTIFICATES OF)	
PUBLIC CONVENIENCE AND NECESSITY)	CASE NO. 2022-00402
AND SITE COMPATIBILITY)	
CERTIFICATES AND APPROVAL OF A)	
DEMAND SIDE MANAGEMENT PLAN)	

JOINT MOTION FOR APPROVAL TO DEVIATE FROM RULE

Pursuant to 807 KAR 5:001, Section 22, and in response to the December 22, 2022 Order of the Kentucky Public Service Commission (“Commission”) in this proceeding, Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) (collectively “Companies”) move the Commission to grant the Companies approval to deviate from the requirement that parties upload an electronic version of all papers filed in this case to the Commission’s website using the Commission’s E-Filing System. In support of this motion, the Companies state:

1. On November 18, 2022, the Commission established this proceeding and ordered, “All documents submitted to the Commission in this proceeding must comply with the rules of procedure adopted by the Commission found in 807 KAR 5:001, Section 8.”¹

2. 807 KAR 5:001, Section 8(3) provides: “All papers shall be filed with the commission by uploading an electronic version using the commission’s E-Filing System at <http://psc.ky.gov>.”

¹ *Electronic Joint Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Site Compatibility Certificates and Approval of a Demand Side Management Plan*, Case No. 2022-00402, Letter at 1 (Ky. PSC Nov. 18, 2022).

3. Pursuant to the Commission's Rules of Procedure, the Companies must electronically upload to the Commission's E-Filing System all filings made in this case. The Commission's Rules of Procedure require that all uploaded non-audio or video files must be in either portable document format ("PDF") or Excel format.²

4. On October 6, 2022, the Commission granted deviations for electronic filing requirements in 807 KAR 5:001, Section 8(2), (4), and (6) in Case No. 2022-00311. The deviations permit the electronic filing of zip files up to 50 MB.

5. On December 22, 2022, the Commission issued an Order denying the Companies' December 5, 2022 Motion to Deviate, which sought to produce the entire non-confidential versions of Exhibit LI-6 of the Direct Testimony of Lana Isaacson, Exhibit TAJ-3 of the Direct Testimony of Tim A. Jones, and Exhibit SAW-2 of the Direct Testimony of Stuart A. Wilson via a secure data transfer site maintained by the Companies' counsel.

6. On December 22, 2022, counsel for the Companies contacted the Commission's Filings Branch Staff to consult about how to produce the non-confidential versions of Exhibit LI-6 of the Direct Testimony of Lana Isaacson, Exhibit TAJ-3 of the Direct Testimony of Tim A. Jones, and Exhibit SAW-2 of the Direct Testimony of Stuart A. Wilson, which are voluminous (each as a zip file is well in excess of 50 MB). Staff advised the Companies' counsel to break apart the exhibits and attempt to upload them in files of 50 MB or less.

7. In accordance with Staff's recommendation, the Companies separated the exhibits into separate files of 50 MB or less to the greatest feasible extent and uploaded the files that could be uploaded to the Commission's website on December 22, 2022.

² 807 KAR 5:001, Section 8(4)(b), (c).

8. Certain individual files in the non-confidential versions of Exhibit LI-6 of the Direct Testimony of Lana Isaacson, Exhibit TAJ-3 of the Direct Testimony of Tim A. Jones, and Exhibit SAW-2 of the Direct Testimony of Stuart A. Wilson exceed the 50 MB filing limit of the Commission's E-Filing System, even when each file is zipped individually. The Companies attempted to upload one such file, but the Commission's uploading system rejected the file as too large.

9. Therefore, the Companies request permission to deviate from 807 KAR 5:001, Section 8, as modified by the Commission's Order in Case No. 2022-00311, by uploading all files to the Commission's website that can be uploaded and by not uploading the voluminous individual files to the Commission's E-Filing System for the reasons stated above. Rather, the Companies will provide the entire non-confidential versions of Exhibit LI-6 of the Direct Testimony of Lana Isaacson, Exhibit TAJ-3 of the Direct Testimony of Tim A. Jones, and Exhibit SAW-2 of the Direct Testimony of Stuart A. Wilson, including the files being uploaded to the Commission's website, on a thumb drive being hand delivered to the Commission on December 27, 2022. In addition, the complete non-confidential versions of Exhibit LI-6 of the Direct Testimony of Lana Isaacson, Exhibit TAJ-3 of the Direct Testimony of Tim A. Jones, and Exhibit SAW-2 of the Direct Testimony of Stuart A. Wilson remain available to the public at <https://highq.in/mkqfky818n>.

10. The Companies are making this request to deviate pursuant to 807 KAR 5:001, Section 22.

WHEREFORE, the Companies request a deviation from the 807 KAR 5:001, Section 8(3) requirement that parties upload an electronic version of all papers filed in this case to the

Commission's website using the Commission's E-Filing System and permission to submit Exhibits LI-6, TAJ-3, and SAW-2 as proposed in this motion.

Dated: December 27, 2022

Respectfully submitted,

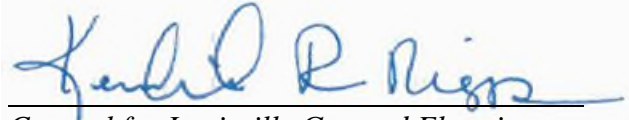


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CERTIFICATE OF SERVICE

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 December 27, 2022, and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

A handwritten signature in blue ink, reading "Gerald R. Nigro", written over a horizontal line.

*Counsel for Louisville Gas and Electric
Company and Kentucky Utilities Company*