

1 December 14, 2023 (which was 21 days before the hearing date, which is the earliest
2 date allowed by the notice regulation).

3 4. On the morning of December 11, 2023, the Kentucky Press Service
4 sent orders to twenty-five newspapers to publish Big Rivers' Notice of Public
5 Hearing. The *Hancock Clarion* confirmed receipt and scheduling of the order that
6 same morning.

7 5. On January 3, 2024, Big Rivers received and filed in this matter a
8 Notarized Proof of Publication from the Kentucky Press Service (the "*Affidavit*"),
9 along with tearsheets from the twenty-four newspapers in Big Rivers' service area
10 that published the notice.

11 6. Despite Big Rivers' efforts, the *Hancock Clarion* failed to timely run
12 the notice in the newspaper's hard copy. Big Rivers was not notified of this
13 deficiency until January 3, at which time it was too late to have a new notice
14 published in the *Hancock Clarion*. However, as shown in the Affidavit and
15 tearsheets, the notice ran in the *Owensboro Messenger-Inquirer*, which services
16 multiple Kentucky counties including Hancock County. Also, a copy of Big Rivers'
17 Notice of Hearing published by the *Owensboro Messenger-Inquirer* and dated
18 December 21, 2023, was digitally available on the *Hancock Clarion's* website
19 (<https://www.hancockclarion.com>) under the "LEGALS" tab through the following
20 hyperlink: <https://kypublicnotice.com/index.php/main/search> prior to the hearing.

21 7. Based on the foregoing, Big Rivers believes that it substantially
22 complied with the Commission's notice requirements, and requests that the

1 Commission find that Big Rivers sufficiently complied with the regulation in this
2 proceeding and grant a deviation from the notice regulation with respect to the
3 failure of the *Hancock Clarion* to run the requested notice.

4 WHEREFORE, Big Rivers respectfully requests that the Commission grant
5 the requested deviation from 807 KAR 5:001 Section 9(2)(b)(2), finding Big Rivers
6 substantially complied with the regulation.

7 On this, the 5th day of January, 2024.

8 Respectfully submitted,

9
10 /s/ Senthia Santana

11 Senthia Santana

12 Tyson Kamuf

13 Whitney Kegley

14 Big Rivers Electric Corporation

15 710 W. Second Street

16 Owensboro, Kentucky 42301

17 Phone: (270) 827-2561

18 Facsimile: (888) 231-0321

19 senthia.santana@bigrivers.com

20 tyson.kamuf@bigrivers.com

21 whitney.kegley@bigrivers.com

22
23 Counsel for Big Rivers Electric Corporation