

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. TO AMEND ITS)	Case No. 2023-00269
DEMAND SIDE MANAGEMENT)	
PROGRAMS)	

**DUKE ENERGY KENTUCKY, INC.’S MOTION FOR LEAVE TO DEVIATE
FROM 807 KAR 5:001, SECTION 17(2)(b)(3)**

Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky or the Company) and respectfully moves the Kentucky Public Service Commission (Commission) pursuant to 807 KAR 5:001, Section 22, for leave to deviate from the requirement of 807 KAR 5:001, Section 17(2)(b)(3).

Duke Energy Kentucky is filing an application to amend its demand side management programs on Tuesday, August 15, 2023. On Wednesday, August 2, 2023 the Company contacted the Kentucky Press Association (KY Press) to schedule publication of the customer notice as required by 807 KAR 5:001, Section 17(2)(b)(3). On Thursday, August 3, 2023, the Company was notified by the Kentucky Press that the deadline to have notice published in the weekly publication Grant County News for the week of August 14th was missed. However, The Kentucky Enquirer, which collectively covers the same counties as the weekly publications, published notice within the requirements, on August 9, 2023, and is scheduled to publish notice on August 16, and 23, 2023. Additionally, the notice will run in the Grant County News on August 17, 23, and 30, 2023.

Duke Energy Kentucky’s notice is scheduled to run in five newspapers of general circulation (Falmouth Outlook, Gallatin County News, Grant County News, The Kentucky

Enquirer, and LinkNKY) covering each of the counties in the Company's electric and natural gas service territory. Of those five newspapers, only The Kentucky Enquirer is a daily newspaper. The other four newspapers publish only once a week, but collectively cover the same counties as the Kentucky Enquirer. The notice has been published or is scheduled to be published in each of the following newspapers on the following dates: the Falmouth Outlook on August 8, 15, and 22, 2023; the Gallatin County News on August 9, 16, and 23, 2023; the Grant County News on August 17, 23, and 30, 2023; the Kentucky Enquirer on August 9, 16, and 23, 2023; and LinkNKY on August 11, 18, and 25, 2023. Due to the weekly timing, the Company was unable to entirely complete the required publication in the Grant County News on or before the filing of the application on August 15, 2023, but the initial publication in the Grant County News will be complete by August 17.

Duke Energy Kentucky has made a good faith attempt to publish its notices in accordance with 807 KAR 5:001, Section 17(2)(b)(3).

WHEREFORE, Duke Energy Kentucky respectfully requests that the Commission enter an Order granting Duke Energy Kentucky a deviation from the notice publication requirements set forth under 807 KAR 5:001 Section 17(2)(b)(3) requiring the notice to be published on or before the application was filed August 15, 2023 and extend the publication deadline to August 17, 2023; or in the alternative, a declaration that the Company has substantially complied with 807 KAR 5:001 Section 17(2)(b)(3).

Respectfully submitted,

/s/Larisa M. Vaysman

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CERTIFICATE OF SERVICE

This is to certify that the foregoing electronic filing is a true and accurate copy of the document in paper medium; that the electronic filing was transmitted to the Commission on August 15, 2023; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that submitting the original filing to the Commission in paper medium is no longer required as it has been granted a permanent deviation.¹

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¹In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19, Case No. 2020-00085, Order (July 22, 2021).