

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE)
ENERGY KENTUCKY, INC. FOR AN)
ADJUSTMENT TO RIDER NM RATES AND FOR) CASE NO. 2023-00413
TARIFF APPROVAL)

**UNOPPOSED MOTION OF JOINT INTERVENORS FOR LEAVE TO
ALLOW WITNESS Dr. RICHARD McCANN TO TESTIFY VIRTUALLY**

Come Kentuckians for the Commonwealth and Kentucky Solar Energy Society (collectively "Joint Intervenors"), by counsel, and respectfully move the Kentucky Public Service Commission ("Commission") to allow Dr. Richard McCann, who will be a witness for Joint Intervenors, to testify virtually at the hearing in this case, currently scheduled for May 21, 2024. In support of this motion, Joint Intervenors state the following:

1. On April 2, 2024, the Commission entered an order *sua sponte* scheduling a hearing in this matter for May 15, 2024. On April 5, 2024, Duke Energy Kentucky, Inc. ("Duke"), filed an unopposed motion to reschedule the hearing, offering alternative dates of June 3 to 6, 2024.
2. On April 30, 2024, the Commission granted Duke's motion, but stated it was unable to accommodate the offered alternative dates, and instead set the hearing for May 21, 2024. The Commission also ordered that "[p]ursuant to

807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer." The Commission further ordered that "[w]itnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter."

3. Dr. Richard McCann offered testimony and sponsored responses to data requests on behalf of the Joint Intervenors in this proceeding and is prepared to support that testimony at the hearing in this matter. However, participating in person presents difficulties for Dr. McCann.
4. Dr. McCann works and resides in Davis, California, for M.Cubed, Inc. Travel to Kentucky to testify in person would require flying to Kentucky and staying at least the night before and after the hearing, as well as any additional days in between the start and end of the hearing. However, Dr. McCann already has other work commitments in California on May 22.
5. Granting the motion will not impair the ability of the Commission, Staff, or the other parties to engage in meaningful cross-examination of the witness. Dr. McCann previously testified before the Commission remotely in Case No. 2020-00174 without issue.
6. Counsel for Joint Intervenors has reached out to the other parties to this proceeding, and none is opposed to granting of this motion.

WHEREFORE, for this reason, Joint Intervenors respectfully move for the Commission to grant leave for Dr. McCann to testify remotely and participate in the hearing virtually in this matter.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

In accordance with the Commission's July 22, 2021 Order in Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, this is to certify that the electronic filing was submitted to the Commission on May 1, 2024; that the documents in this electronic filing are a true representation of the materials prepared for the filing; and that the Commission has not excused any party from electronic filing procedures for this case at this time.



Byron L. Gary