

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF LOUISVILLE)	
GAS AND ELECTRIC COMPANY TO REVISE ITS)	CASE NO.
LOCAL GAS DELIVERY SERVICE TARIFF)	2024-00125

**LOUISVILLE GAS AND ELECTRIC COMPANY’S
MOTION FOR APPROVAL TO DEVIATE FROM RULE**

Louisville Gas and Electric Company (“LG&E”) moves the Kentucky Public Service Commission (“Commission”) to grant LG&E approval pursuant to 807 KAR 5:011 Section 15 to deviate from the customer notice requirements regarding the above-captioned filing because LG&E has substantially complied with the Commission’s applicable notice regulation, 807 KAR 5:001 Section 9(2)(b). In support of this motion, LG&E states as follows:

1. On March 29, 2024, LG&E filed with the Commission proposed revisions to its Local Gas Delivery Service tariff for the Commission’s approval. On April 30, 2024, the Commission established this proceeding to investigate the reasonableness of the proposed tariff. On September 10, 2024, the Commission scheduled a hearing in this matter to be held on November 6 and 7, 2024, and ordered LG&E to give notice of the hearing in compliance with 807 KAR 5:001 Section 9(2)(b).

2. To comply with the customer notice requirements of 807 KAR 5:001 Section 9(2)(b), on October 8, 2024, LG&E delivered to the Kentucky Press Service, Inc. (“Kentucky Press”), an organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky in which customers affected reside, the notice to be published one time for the LG&E gas service areas during the week of October 21, 2024 through October 25,

2024. Kentucky Press directed each newspaper in writing to publish the customer notice in accordance with the Commission's regulation.

3. LG&E requests a deviation from the requirements of 807 KAR 5:001 Section 9(2)(b) for the following: Due to an error by Kentucky Press, the *Edmonton Herald News* (circulation: approximately 3,000), which serves the Metcalfe County, Kentucky area, failed to publish the notice during the period prescribed by 807 KAR 5:001 Section 9(2)(b)2. LG&E learned of the error on October 31, 2024. Because of the *Edmonton Herald News*' production schedule, the publication cannot occur before the hearing begins.

4. The purpose of the Commission's notice regulation is to ensure that the public has sufficient notice of a scheduled public hearing. Despite the deviation noted above, notice was published in sixteen newspapers, including in the newspaper of largest circulation in LG&E's service territory and in Kentucky, the *Louisville Courier-Journal*. LG&E's substantial compliance with the Commission's regulations has met the purpose of the notice requirement. As stated by the Kentucky Supreme Court:

Substantial compliance in regard to publication requirements has been authorized The purpose of the statute is to allow the public an ample opportunity to become sufficiently informed on the public question involved.¹

5. The Commission has authority to permit LG&E to deviate from the publication requirements pursuant to 807 KAR 5:011 Section 15.

¹ *Conrad v. Lexington-Fayette Urban County Government*, 659 S.W.2d 190, 195 (Ky. 1983) (citing *Queenan v. City of Louisville*, 233 S.W.2d 1010 (Ky. 1950)). See also *Lyon v. County of Warren*, 325 S.W.2d 302 (Ky. 1959) (publishing notice of bond referendum outside statutory time limits, accompanied by media attention and other means, held sufficient notice to public).

6. Because LG&E is in substantial compliance with the publication requirements of 807 KAR 5:001 Section 9(2)(b), good cause exists for the Commission to permit LG&E to deviate from the requirement of the regulations and to accept the publication of notice as sufficient.

WHEREFORE, Louisville Gas and Electric Company respectfully requests that the Commission grant it approval pursuant to 807 KAR 5:011 Section 15 to deviate from the notice requirements of 807 KAR 5:001 Section 9(2)(b) and to accept the publication of notice as sufficient.

Dated: November 1, 2024

Respectfully submitted,



Monica H. Braun
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507
Ph: 859- 231-3000
Fax: 859-253-1093
monica.braun@skofirm.com

Allyson K. Sturgeon, Vice President and
Deputy General Counsel
Sara V. Judd, Senior Counsel
PPL Services Corporation
220 West Main Street
Louisville, KY 40202
Telephone: (502) 627-2088
Fax: (502) 627-3367
ASturgeon@pplweb.com
SVJudd@pplweb.com

Counsel for Louisville Gas and Electric Company

CERTIFICATE OF COMPLIANCE

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 November 1, 2024; 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, appearing to read "Sam V. Gold".

Counsel for Louisville Gas and Electric Company