

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

The Electronic Application of Duke Energy)	
Kentucky, Inc. for a Certificate of Public)	
Convenience and Necessity to Convert its Wet Flue)	Case No. 2024-00152
Gas Desulfurization System from a Quicklime)	
Reagent Process to a Limestone Reagent Handling)	
System at its East Bend Generating Station and for)	
Approval to Amend its Environmental Compliance)	
Plan for Recovery by Environmental Surcharge)	
Mechanism)	

**MOTION FOR LEAVE TO WITHDRAW APPLICATION
WITHOUT PREJUDICE**

Duke Energy Kentucky, Inc. (Duke Energy Kentucky or the Company), pursuant to 807 KAR 5:001, Section 5(1), by counsel, respectfully moves the Kentucky Public Service Commission (Commission) for leave to withdraw its Application in this proceeding without prejudice. The basis for the request is to allow the Commission and parties sufficient time to review this important application request and to afford parties due process in allowing a reasonable opportunity to brief the issues following the evidentiary hearing given the rapidly approaching statutory deadline in KRS 278.183. The evidentiary hearing is currently scheduled to occur on January 14, 2025, with the statutory deadline for issuance of a decision approximately one week thereafter. This does not afford parties the opportunity to provide the Commission with a full briefing of issues following the evidentiary hearing.

As the record of this case shows, following the submission of the Company’s initial Application in July 2024, new information came to light regarding the pricing of reagent

supply and that an additional benefit of the project is that it would allow the Company to meet newly effective Mercury Air Toxics Standards (MATS) and avoid a separate MATs compliance project. While the Company updated the record as quickly as possible and additional testimony for intervenors was permitted, this new information did result in delays to the proceeding, and thus supports the position that additional time is necessary to allow a fulsome review of the issues by the Commission. In the Company's view, the project remains necessary and is in the best interests of customers because, among other things, it addresses long-term risks of supply and price and will allow the unit to meet the new MATS limitations. As part of its refiling, the Company intends to update its application to reflect the new reagent supply pricing information and MATs implications for the Commission's full consideration.

The Company intends to refile its application, with necessary clarifications and updates in approximately thirty days in accordance with KRS 278.183(2). The Company will provide advance notice of its intention to file a new application under KRS 278.183 and will serve copies of this notice upon all parties to this current case. Additionally, in the interests of efficiency and to the benefit of all parties, the Company will request that the Commission incorporate the record in this Case No. 2024-00152, in that new proceeding once filed with the hope that it will allow for an expeditious resolution in that new case and avoid unnecessary duplication of discovery for the intervening parties.

Respectfully submitted this 17th day of December 2024.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

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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 being filed in paper medium; that the electronic filing was transmitted to the Commission on December 17, 2024; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

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