

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE ANNUAL COST RECOVERY FILING)	
FOR DEMAND SIDE MANAGEMENT BY)	Case No. 2024-00352
DUKE ENERGY KENTUCKY, INC.)	

**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), which requires the Company to publish notice once a week for three consecutive weeks in a prominent manner in a newspaper of general circulation in the utility’s service area, the first publication to be made no later than the date the application is submitted to the commission.¹

Duke Energy Kentucky received approval for its portfolio of demand side management programs on September 13, 2018 in Case No. 2017-00427.²

¹ 807 KAR 5:001, Section 17(2)(b) provides: “If a utility has more than twenty (20) customers, it shall provide notice by:

1. Including notice with customer bills mailed no later than the date the application is submitted to the commission;
2. Mailing a written notice to each customer no later than the date the application is submitted to the commission;
3. Publishing notice once a week for three (3) consecutive weeks in a prominent manner in a newspaper of general circulation in the utility’s service area, the first publication to be made no later than the date the application is submitted to the commission; or
4. Publishing notice in a trade publication or newsletter delivered to all customers no later than the date the application is submitted to the commission.

² *In the Matter of Electronic Annual Cost Recovery Filing for Demand Side Management by Duke Energy Kentucky, Inc.*, Case No. 2017-00427, Order (September 13, 2018).

Contemporaneously, the Company has continued to annually submit its annual cost recovery DSM filing each year on November 15th. Pursuant to the Commission's Order dated February 21, 2024 in Case No. 2022-00251, the due date of the annual DSM cost recovery filing was modified from November 15th, to November 1st.³ As a result, this Application is being filed on November 1, 2024, rather than November 15, 2024.

On October 23, 2024, Duke Energy Kentucky sent a request to the Kentucky Press to have the customer notice published beginning on or before November 1, 2024. Later in the day, the Company received notice that the weekly publication for Grant County would not be able to run the customer notice on or before November 1, 2024. However, the Kentucky Enquirer, which collectively covers the same counties as the weekly publications, could publish notice within the requirements.

Duke Energy Kentucky's customer notice regarding its upcoming annual demand side management recovery filing is scheduled to run in five newspapers of general circulation (Falmouth Outlook, Gallatin County News, Grant County News, Link nky, and The Kentucky Enquirer) 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 is scheduled to be published in each of the following newspapers: the Falmouth Outlook is scheduled to first publish the notice on October 29, 2024; the Kentucky Enquirer and Gallatin County News are scheduled to first publish the notice on October 30, 2024; Link nky is scheduled to first publish the notice on November 1, 2024; and Grant County News is scheduled to publish

³ *In the Matter of the Electronic Application of Duke Energy Kentucky, Inc. to Amend its Demand Side Management Programs*, Case No. 2022-00251, Order, p. 6 (February 21, 2024).

the first notice on November 7, 2024. Due to the weekly nature of many of these newspapers, the Company is unable to fully complete the required first publication until November 7, 2024.

Duke Energy Kentucky 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 first published no later than the date of filing the application, November 1, 2024 and extend the publication deadline to November 7, 2024; or in the alternative, a declaration that the Company has substantially complied with 807 KAR 5:001, Section 17(2)(b)(3), and accept the application for filing as of November 1, 2024.

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 November 1, 2024; 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.⁴

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/s/Larisa M. Vaysman
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⁴*In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Order, Case No. 2020-00085 (Ky. P.S.C. July 22, 2021).