

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

In the Matter of:

The Electronic Application of Duke Energy	)	
Kentucky, Inc. for: 1) An adjustment of the	)	
Electric Rates; 2) Approval of New Tariffs; 3)	)	Case No. 2024-00354
Approval of Accounting Practices to Establish	)	
Regulatory Assets and Liabilities; and 4) All	)	
Other Required Approvals and Relief	)	

---

**MOTION OF DUKE ENERGY KENTUCKY, INC. FOR LEAVE TO  
FILE OUT-OF-TIME AND ACCEPT RESPONSES TO COMMISSION-ORDERED DATA  
REQUESTS**

---

Now comes Duke Energy Kentucky, Inc., (Duke Energy Kentucky or the Company), pursuant to 807 KAR 5:001, Section 5, the Kentucky Public Service Commission’s (Commission) November 27, 2024 Order in this proceeding (Order) and other applicable law, and hereby respectfully requests approval from the Commission for leave to file out-of-time its Responses to Data Requests and Affidavits filed instanter with this Motion.

In its Order, the Commission directed the Company to file its responses to the information requested before “either 14 days after submission of the rate application or 21 days after the date of this request, which ever is later.” The Company’s Application in this proceeding was filed on December 2, 2024,<sup>1</sup> and accepted on December 9, 2024, with no deficiencies.<sup>2</sup> Accordingly, the Company’s responses were due to be filed by December 16, 2024.

Unfortunately, due to the voluminous nature of the responses, an unexpected medical issue with an employee creating a resource issue, and ill-timed technology issues, the Company was unable to complete the submittal of its responses by midnight December 16, 2024. One of the

---

<sup>1</sup> *Application*, Case No. 2024-00354, (Dec. 2, 2024).

<sup>2</sup> *No Deficiency Letter*, Case No. 2024-00354, (Dec. 9, 2024).

administrative assistances assisting with the file preparation became unexpectedly ill during the day necessitating her to take sick leave for the remainder of the day. This created an unanticipated resource constraint that delayed getting the filing prepared as timely as the Company hoped as additional resources were pooled to assist. Additionally, the paralegal overseeing the submittal had a pre-scheduled medical treatment in the evening that exacerbated the delay caused by the unanticipated illness. Unfortunately even with an additional resource, technology issues further delayed the processing of the filing.

The Company successfully uploaded numerous attachments to its responses prior to the midnight deadline, but many of the responses did not get posted until 3:09:46 A.M., on December 17, 2024. Due to unforeseen technology issues and computer glitches, the filing failed to upload. The Company needed to divide the filing into smaller parts to complete the filing and overcome the technology issues. Additionally, the Company became aware that the affidavits for its witnesses supporting the responses were not included in the filing due to a technical issue with the electronic files in the Company's electronic file management system. The Company has corrected the issue, and requests leave to submit these affidavits instanter with this motion.

The Company submits that good cause exists to grant this request to accept responses out-of-time and to submit its affidavits instanter. The delays experienced were unanticipated. Although its initial responses were submitted approximately three hours after the midnight deadline, nonetheless, the Company respectfully submits that the unanticipated delay has not prejudiced any party. This case is still in its initial stages and intervention is still possible for parties. Additionally, a fair amount of the information contained in the requests was included in the Company's Application as part of its filing requirements. Therefore, any prejudice, if any, is minimal and accepting the information filed three hours late and supplemented less than 24 hours after the

deadline will still allow the Commission to still complete its review within the statutory period under KRS 278.190.

WHEREFORE, Duke Energy Kentucky, Inc., respectfully requests that the Commission accept the Company's untimely responses and affidavits for the reasons described herein.

Respectfully Submitted,

DUKE ENERGY KENTUCKY, INC.

/s/Rocco D'Ascenzo

Rocco O. D'Ascenzo (92796)

Deputy General Counsel

Larisa Vaysman (98944)

Senior Counsel

Duke Energy Business Services LLC

139 East Fourth Street

Cincinnati, OH 45202

Phone: (513) 287-4320

Fax: (513) 370-5720

Rocco.D'Ascenzo@duke-energy.com

Larisa.Vaysman@duke-energy.com

And

Elizabeth M. Brama, *Pro Hac Vice*

Valerie T. Herring (99361)

TAFT STETTINIUS & HOLLISTER LLP

2200 IDS Center

80 South Eighth Street

Minneapolis, MN 55402

Phone: (612) 977-8400

Fax: (612) 977-8650

*Counsel for Duke Energy Kentucky, Inc.*

## 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 December 17, 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.<sup>3</sup>

Angela M. Goad  
J. Michael West  
Lawrence W. Cook  
John G. Horne II  
Assistant Attorneys General  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601  
[Angela.Goad@ky.gov](mailto:Angela.Goad@ky.gov)  
[Michael.West@ky.gov](mailto:Michael.West@ky.gov)  
[Larry.Cook@ky.gov](mailto:Larry.Cook@ky.gov)  
[John.Horne@ky.gov](mailto:John.Horne@ky.gov)

*/s/Rocco D'Ascenzo*  
\_\_\_\_\_  
*Counsel for Duke Energy Kentucky, Inc.*

---

<sup>3</sup> *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).