

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONVERT ITS WET FLUE GAS)	
DESULFURIZATION SYSTEM FROM A)	CASE NO.
QUICKLIME REAGENT PROCESS TO A)	2025-00002
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)	

**DUKE ENERGY KENTUCKY, INC.'S MOTION TO
MODIFY THE MAY 28, 2025 HEARING DATE, STATEMENT OF NON-
OBJECTION TO SIERRA CLUB WITNESS CHELSEA HOTALING
APPEARING VIRTUALLY, AND REQUEST FOR EXPEDITED RULING**

I. REQUEST TO RESCHEDULE THE EVIDENTIARY HEARING

Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky or Company), by counsel, pursuant to 807 KAR 5:001, Section 9, and other applicable law, and respectfully requests the Kentucky Public Service Commission (Commission) to reschedule the evidentiary hearing in this proceeding, currently set for May 28, 2025. The Company requests the hearing be rescheduled due to unavoidable conflicts and availability issues with witnesses and Company counsel. The Company respectfully states that good cause exists to reschedule the evidentiary hearing currently scheduled to commence May 28, 2025, because Company counsel and two witnesses are not available that week due to previously scheduled family vacations and will be out of town or out of the country.

Rescheduling the hearing will allow the Company to be represented by its current counsel and will allow Company necessary witnesses to appear in person.

Duke Energy Kentucky filed its Application in this proceeding seeking a Certificate of Public Convenience and Necessity to Convert its Wet Flue Gas Desulfurization System from a Quicklime Reagent Process to a Limestone Reagent Handling System at its East Bend Generating Station and to amend its environmental compliance plan and environmental surcharge (Application) on January 28, 2025. The Attorney General's Office of Rate Intervention (AG) and Sierra Club (together the Intervenor) were granted intervention in the case.¹ On April 9, 2025, the Commission issued an Order scheduling the hearing to commence on May 28, 2025, at the Commission's office in Frankfort, Kentucky.

On April 28, 2025, a technical conference occurred among the parties, including Commission Staff, Intervenor, and the Company. During that conference, the Company discussed its availability conflicts with the May 28th hearing date and the collective parties discussed availability of counsel and witnesses as well as viable alternative dates in June that could accommodate the evidentiary hearing. The Company agreed to filing a motion to reschedule the hearing. The following alternative dates were discussed for the hearing if the Commission grants this motion:

- June 5th and 6th; or
- Week of June 16th.

The parties also discussed June 26th and 27th as alternative hearing dates. The Company acknowledges that the Mid-Atlantic Conference of Regulatory Utilities

¹ Order, p. 4 (Feb. 4, 2025).

Commissioners (MACRUC) is currently scheduled June 22nd through June 25th and it may not be feasible to hold the evidentiary hearing immediately following the conference. Additionally, one of the Company's witnesses is unavailable to attend in person on June 26th or 27th. Therefore, the Company requests that the Commission consider the recommended alternative hearing dates of June 5th and 6th and the week of June 16th, with a preference for the week of June 16th.

The Company acknowledges that in its Application, the Company had requested the Commission issue a decision by June 30th, if possible. The Company withdraws that request in order to accommodate a June hearing and allow the Commission to issue a timely decision.

During the April 28, 2025 technical conference, the Company discussed the fact that new discussions with its current supplier of magnesium enhanced lime were occurring the possibility of a longer-term supply contract, and, that if terms were agreed upon, the need to continue with this limestone conversion Application and the evidentiary hearing could be impacted. Nonetheless, if an evidentiary hearing is necessary in this proceeding, a new hearing date remains necessary. Accordingly, the Company respectfully requests that the procedural schedule be modified such that any evidentiary hearing on this matter occurs during the suggested dates above.

Given the upcoming hearing date, and to allow parties to make appropriate arrangements, the Company respectfully requests the Commission to consider this motion on an expedited basis.

II. STATEMENT OF NON-OBJECTION FOR SIERRA CLUB WITNESS TO APPEAR VIRTUALLY

During the April 28, 2025 technical conference, the Sierra Club stated that one of its witnesses, Ms. Chelsea Hotaling, is scheduled to testify at multiple hearings in different jurisdictions during the month of June and requested both a date certain and the ability for her to appear virtually. According to the Sierra Club, those prior commitments include June 5th and 6th, the week of June 16th and a speaking engagement on June 26th and 27th. Depending upon which dates the hearing in this proceeding occurs, Ms. Hotaling's ability to travel to Frankfort may not be possible given her existing commitments. Accordingly, the Sierra Club requested during the technical conference whether any party would object to Ms. Hotaling testifying at the hearing virtually and on a date certain. No party indicated any objection. The Sierra Club further stated that if the earlier dates of June 5th and 6th are selected, that Ms. Hotaling be permitted to testify virtually on June 5th and virtually on a date certain to be agreed upon during the week of June 16th. The Sierra Club further indicated that its other witness, Dr. Sahu, could appear in person on any of the aforementioned dates.

Duke Energy Kentucky does not object to either of the Sierra Club's requests regarding Ms. Hotaling appearing virtually or that a date certain be established for her participation and would support its request.

III. CONCLUSION

Duke Energy Kentucky respectfully submits that good cause exists to reschedule the May 28, 2025 hearing in this proceeding. Granting the motion will not impair the ability of the Commission, Staff, or the Intervenors to engage in meaningful cross-examination of the witnesses and will provide due process and full participation in the hearing.

Additionally, the Company does not object to the Commission granting the Sierra Club witness Hotaling flexibility for her appearance at an evidentiary hearing should the Commission agree. Duke Energy Kentucky is grateful for the intervening parties' willingness to accommodate the Company's request and for the Commission to consider this motion.

WHEREFORE, Duke Energy Kentucky, Inc. respectfully requests the Commission to modify the May 28, 2025 hearing date in the above-styled case, in accordance with this motion.

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 May 2, 2025; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding.

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