

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

**In the Matter of:**

|  |   |                            |
|--|---|----------------------------|
| <b>ELECTRONIC APPLICATION OF KENTUCKY</b>        | ) |                            |
| <b>UTILITIES COMPANY AND LOUISVILLE GAS AND</b>  | ) | <b>CASE NO. 2025-00045</b> |
| <b>ELECTRIC COMPANY FOR CERTIFICATES OF</b>      | ) |                            |
| <b>PUBLIC CONVENIENCE AND NECESSITY AND SITE</b> | ) |                            |
| <b>COMPATIBILITY CERTIFICATES</b>                | ) |                            |

**JOINT MOTION OF KENTUCKY UTILITIES COMPANY AND  
LOUISVILLE GAS AND ELECTRIC COMPANY  
FOR APPROVAL TO DEVIATE FROM RULES**

Kentucky Utilities Company and Louisville Gas and Electric Company (collectively, “Companies”) jointly move the Kentucky Public Service Commission (“Commission”) to grant the Companies approval pursuant to 807 KAR 5:001, Section 22 to deviate from the notice publication requirements created by the Commission’s June 26, 2025 Order in the above-captioned proceeding because the Companies substantially complied with the Commission’s applicable notice regulation, 807 KAR 5:001, Section 9(2)(b). In support of this motion, the Companies state:

1. On Thursday, June 26, 2025, the Commission issued an Order in this proceeding scheduling two public comment meetings, one in Lexington, Kentucky, on July 7, 2025, and another in Louisville, Kentucky, on July 14, 2025. The Order directed the Companies to publish notice of the meetings under 807 KAR 5:001, Section 9(2).

2. Under 807 KAR 5:001, Section 9(2)(b)(2), “If notice of a hearing is published by the applicant in a newspaper, it shall be published at least one (1) time and not less than seven (7) nor more than twenty-one (21) days prior to the hearing in a newspaper of general circulation in the areas that will be affected.”

3. When the Commission issued its June 26, 2025 Order, the Companies reached out the same day to 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, to alert Kentucky Press of the impending need to publish public notice. On Friday, June 27, 2025, the Companies delivered the required public notice to Kentucky Press and asked to have the notice published one time as soon as possible to attempt to comply with 807 KAR 5:001, Section 9(2)(b)(2) to the greatest reasonable extent. Kentucky Press directed each newspaper in writing to publish the public notice as soon as possible.

4. The Companies request a deviation from 807 KAR 5:001, Section 9(2)(b)(2). Despite the best and prompt efforts of the Companies and Kentucky Press, none of the newspapers was able to publish the notice a full seven days prior to the first public meeting scheduled for July 7, though all the newspapers that published the notice were able to do so prior to the July 7 meeting (and therefore published within the required timeframe for the July 14 public meeting). Importantly, the two newspapers with the largest circulation in Kentucky, the *Lexington Herald-Leader* and *The Courier-Journal*, published the notice on July 1 and July 2, 2025, respectively, as shown in the Notarized Proof of Publication being filed herewith.

5. Also, again despite the best and prompt efforts of the Companies and Kentucky Press, multiple newspapers failed to publish. Specifically, as shown in the Notarized Proof of Publication being filed herewith, the following newspapers failed to publish the notice:

- (a) Brandenburg Meade Co. Messenger (circulation: 2,663)
- (b) Cynthiana Democrat (circulation: 2,330)
- (c) The Fulton Leader (The Current) (circulation: 640)
- (d) Hodgenville LaRue Co. Herald News (circulation: 2,111)
- (e) Lawrenceburg Anderson News (circulation: 1,207)
- (f) Liberty Casey Co. News (circulation: 1,586)

- (g) New Castle Henry Co. Local (circulation: 2,586)
- (h) Springfield Sun (circulation: 1,447)
- (i) Williamstown Grant County News (circulation: 1,708)

6. The purpose of the Commission's notice regulation is to ensure that the public has sufficient notice of a hearing (in this case, public meetings). Despite the deviations noted above, notice was published in the two newspapers of largest circulation in Kentucky as soon as reasonably possible under the circumstances. The Companies' 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.<sup>1</sup>

7. The Commission has authority to permit the Companies to deviate from the publication requirements pursuant to 807 KAR 5:001, Section 22.

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

**WHEREFORE,** Kentucky Utilities Company and Louisville Gas and Electric Company respectfully request that the Commission grant approval pursuant to 807 KAR 5:001, Section 22

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<sup>1</sup> *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).

to deviate from the notice requirements of 807 KAR 5:001, Section 9(2)(b) and to accept the publication of the customer notice as sufficient.

Dated: July 25, 2025

Respectfully submitted,



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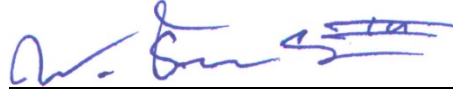
W. Duncan Crosby III  
Stoll Keenon Ogden PLLC  
400 West Market Street, Suite 2700  
Louisville, Kentucky 40202  
Telephone: (502) 333-6000  
Fax: (502) 333-6099  
duncan.crosby@skofirm.com

Allyson K. Sturgeon  
Vice President and Deputy  
General Counsel – Regulatory  
PPL Services Corporation  
2701 Eastpoint Parkway  
Louisville, Kentucky 40223  
Telephone: (502) 627-2088  
ASturgeon@pplweb.com

Sara V. Judd  
Senior Counsel  
PPL Services Corporation  
2701 Eastpoint Parkway  
Louisville, Kentucky 40223  
Telephone: (502) 627-4850  
SVJudd@pplweb.com  
*Counsel for Kentucky Utilities Company and  
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 July 25, 2025; 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 "W. Ben" followed by a stylized flourish.

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*Counsel for Kentucky Utilities Company and  
Louisville Gas and Electric Company*