

**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 for formal hearings which are set forth in 807 KAR 5:001, Section 9(2)(b)(2). In support of this motion, the Companies state:

1. On March 13, 2025, the Commission issued an Order establishing a procedural schedule in this proceeding. In the Order, the Commission scheduled a formal hearing for August 4, 2025. Ordering paragraph eight of the Commission’s Order directed the Companies to publish notice of the August 4, 2025 hearing in accordance with 807 KAR 5:001, Section 9(2), and to provide a duplicate of the notice and request for publication to the Commission.

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. On July 2, 2025, the Companies contacted 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 request that Kentucky Press arrange for the Companies' notice of the August 4, 2025 hearing between July 14, 2025, and July 28, 2025. Pursuant to ordering paragraph eight of the Commission's March 13, 2025 Order, on July 2, 2025, the Companies filed into the record of this case (1) a copy of their written request to Kentucky Press and (2) the Companies' notice of the August 4, 2025 hearing. Kentucky Press directed each newspaper in writing to publish the public notice between July 14, 2025, and July 28, 2025.

4. The Companies request a deviation from 807 KAR 5:001, Section 9(2)(b)(2). Despite the best efforts of the Companies and Kentucky Press, one of the newspapers in Kentucky Utilities Company's service territory failed to publish notice during the time frame set forth in 807 KAR 5:001 Section 9(2)(b)(2). Specifically, as shown in the Notarized Proof of Publication being filed herewith, the *Russell Springs Times Journal* failed to publish notice.

5. As shown in the Notarized Proof of Publication being filed herewith, all other newspapers within the Companies' service territories published notice during the time frame set forth in 807 KAR 5:001 Section 9(2)(b)(2). This includes the two newspapers with the largest circulation in Kentucky, the *Lexington Herald-Leader* and *The Courier-Journal*, which both published the Companies' notice on July 16, 2025.

6. The purpose of the Commission's notice regulation is to ensure that the public has sufficient notice of a hearing. The Companies believe that their notice publication has fulfilled this purpose. Despite the deviations noted above, timely notice was published in 88 newspapers of general circulation in the Companies' service territories, including the two newspapers of largest circulation in Kentucky. 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 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.

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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).

Dated: July 30, 2025

Respectfully submitted,



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  
Sara V. Judd  
Senior Counsel  
PPL Services Corporation  
2701 Eastpoint Parkway  
Louisville, Kentucky 40223  
Telephone: (502) 627-2088  
ASturgeon@pplweb.com  
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 30, 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 "Andrew S. Smith", is written above a horizontal line.

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