

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

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF KENTUCKY</b>	)	
<b>UTILITIES COMPANY FOR APPROVAL OF ITS</b>	)	
<b>2025 COMPLIANCE PLAN FOR RECOVERY BY</b>	)	<b>CASE NO. 2025-00105</b>
<b>ENVIRONMENTAL SURCHARGE</b>	)	

**MOTION FOR DEVIATION**

Pursuant to 807 KAR 5:011, Section 15, Kentucky Utilities Company (“KU”) respectfully moves the Kentucky Public Service Commission (“Commission”) for an order granting KU relief from (1) the requirement of 807 KAR 5:011, Section 8(1)(a) to post customer notice at its place of business and (2) the requirement of 807 KAR 5:011, Section 8(4)(e) to include in its customer notice a statement that a person may examine KU’s tariff filing at its offices.

In support of this Motion, KU states:

1. On March 28, 2025, KU notified the Commission of its intent to file an application no later than April 30, 2025, to request approval of an amended environmental compliance plan and a revised environmental surcharge to recover the costs of this amended plan.
2. 807 KAR 5:011, Section 8 states in relevant part, “A utility shall provide notice if a charge ... is changed, revised, or initiated and the change will affect the amount that a customer pays for service ....” Because KU’s proposals will change or revise charges under its Environmental Cost Recovery (“ECR”) Surcharge (Adjustment Clause ECR) tariff provisions, which will affect amounts customers pay for service, KU is required to comply with the notice requirements of 807 KAR 5:011, Section 8 absent approval of a deviation. KU hereby seeks approval of a deviation from 807 KAR 5:011, Section 8(1)(a), which addresses posting a copy of the notice at KU’s place of business, and 807 KAR 5:011, Section 8(4)(e), which requires KU to

include in its customer notice a statement that a person may examine KU's tariff filing at its offices. Aside from these requirements, KU will provide adequate customer notice as described below.

3. KU believes the notice it will provide to customers will be fully adequate and comply with all other requirements of 807 KAR 5:011, Section 8 by doing the following:

- a. Pursuant to 807 KAR 5:011, Section 8(1)(b), KU will post on its website a copy of the customer notice and a hyperlink to the Commission's website where the customer notice, application, and other filings will be available. KU will also post the application and supporting testimony and exhibits on its website.
- b. Pursuant to 807 KAR 5:011, Section 8(2)(b), KU will provide notice to its customers by newspaper publication of its proposals herein, the contents of which comply with the requirements of 807 KAR 5:011, Section 8(4).
- c. Pursuant to 807 KAR 5:011, Section 8(3), KU will file proof of completed notice within 45 days of the date of this application.

4. KU seeks these deviations because its Lexington headquarters is not open to the public.<sup>1</sup> If the requested deviations are not granted, then when the newspapers begin to publish the legal notice, KU will post the notice in a visible place on the exterior of its building, which will include links where interested persons may review all tariff filing materials (i.e., KU's application, testimony, and exhibits). KU believes the requested deviations will not affect actual customer notice or ability to review the tariff filing in this proceeding.

5. KU further states that, regarding all its filings in this proceeding, it is currently providing notice by email to counsel for intervenors in the related case in which KU is seeking a certificate of public convenience and necessity for the facility that is sole subject of KU's

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<sup>1</sup> One Quality Street, Lexington, Kentucky 40507.

application in this proceeding. That includes counsel for all likely potential intervenors in this case, including the Attorney General. KU will continue to provide such notice until the Commission either consolidates this proceeding into that case or the Commission closes the period for interested persons to seek intervention in this case. This will help ensure customer notice above and beyond the requirements of 807 KAR 5:011, Section 8, and it supports granting the requested deviation from the requirements of 807 KAR 5:011, Section 8(1)(a).

**WHEREFORE,** Kentucky Utilities Company respectfully asks the Commission to enter an order no later than April 23, 2025:

1. Authorizing KU to deviate from 807 KAR 5:011, Section 8(1)(a) as described above;
2. Authorizing KU to deviate from 807 KAR 5:011, Section 8(4)(e) as described above; and
3. Granting KU all other appropriate relief.

Dated: April 9, 2025

Respectfully submitted,



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*Counsel for Kentucky Utilities 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 April 9, 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 "A. B. Smith", is written above a horizontal line.

*Counsel for Kentucky Utilities Company*