

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

**IN THE MATTER OF ELECTRONIC
APPLICATION OF KENTUCKY UTILITIES
COMPANY FOR AN ADJUSTMENT OF ITS
ELECTRIC RATES, AND APPROVAL OF
CERTAIN REGULATORY AND
ACCOUNTING TREATMENTS**

Case No. 2025-00113

**IN THE MATTER OF ELECTRONIC
APPLICATION OF LOUISVILLE GAS AND
ELECTRIC COMPANY FOR AN
ADJUSTMENT OF ITS ELECTRIC AND
GAS RATES, AND APPROVAL OF
CERTAIN REGULATORY AND
ACCOUNTING TREATMENTS**

Case No. 2025-00114

**THE UNITED STATES DEPARTMENT OF DEFENSE AND
ALL OTHER FEDERAL EXECUTIVE AGENCIES’
UNOPPOSED LATE FILED MOTION TO BE EXCUSED FROM HEARING**

The United States Department of Defense and all other Federal Executive Agencies (“DoD/FEA”), respectfully requests that the Kentucky Public Service Commission (“Commission”) excuse DoD/FEA, including its authorized representative, Kyle J Smith, local counsel, James B. Dupree, and its witnesses, Michael P. Gorman and Jessica A. York, from attending the November 3, 2025 hearing in the above captioned matters. In support of this request, DoD/FEA further states:

1. On July 7, 2025, the Commission entered Orders in the above captioned matters setting the hearing for November 3, 2025, requiring witnesses to attend in person, and requiring parties to attend in person. The Orders further require a party seeking relief from witnesses

attending the hearing to file a motion showing good cause why attendance or substitution of the witness is appropriate at least 14 days prior to hearing.

2. The federal government's fiscal year ended on September 30, 2025 without appropriations for the new fiscal year, resulting in a lapse in funding that has resulted in many federal employees being furloughed until the federal government is funded.

3. Furloughed federal employees are prohibited from accessing work equipment or doing any work activities while on furlough status, unless the federal employee is excepted from furlough temporarily or as an exempt employee. A federal employee that performs any work functions while in furlough status is in violation of the Anti-Deficiency Act. 31 U.S.C. § 1341.

4. Absent funding, DoD/FEA's representative is unable to make travel plans or obligate the federal government to incur any expense in the fiscal year that began on October 1, 2025. 31 U.S.C. § 1341.

5. As of the filing of this motion, funding for the federal government for the fiscal year beginning on October 1, 2025 has not been passed in to law and the government has been shut down for twenty-three days. Undersigned counsel has been furloughed through some of this time and excepted through some of this time, to allow counsel to perform ongoing work obligations.

6. Even in an excepted status, undersigned counsel is unable to make travel plans for the scheduled November 3, 2025 hearing. DoD/FEA's representative is unable to determine whether or when appropriations will be passed to reopen the government. At this time, it appears a shutdown may continue through the hearing date in these matters. Both undersigned counsel and DoD/FEA's local counsel are impacted by the lapse in appropriations and furloughs.

7. On October 20, 2025, fourteen days prior to the scheduled hearing in these matters, Kentucky Utilities Company and Louisville Gas and Electric Company (collectively the “Companies”) filed a motion for leave to file a Joint Stipulation resolving all issues in these cases that is joined by: the Companies; DoD/FEA; the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention; Kentucky Industrial Utility Customers, Inc.; The Kroger Company; Lexington-Fayette Urban County Government; Louisville/Jefferson County Metro Government; Sierra Club; and Walmart, Inc.

8. Kentuckians for the Commonwealth, Kentucky Solar Energy Society, Metropolitan Housing Coalition, and Mountain Association (collectively the “Joint Intervenors”), Kentucky Solar Industries Association, Inc., and Kentucky Broadband and Cable Association have not agreed to the Joint Stipulation.

9. Since DoD/FEA has agreed to resolve its issues pursuant to the terms of the Joint Stipulation, DoD/FEA will not be advocating for the positions testified to by its witnesses in the pre-filed testimony submitted by DoD/FEA in these matters. As such, it is not anticipated that any party will have questions for any DoD/FEA witness at the hearing in these matters.

10. DoD/FEA respectfully requests the Commission to grant it leave to file this late filed Motion. DoD/FEA has filed this Motion a reasonable time after the filing of the Companies Motion to File Joint Stipulation, after conferring with the parties in this proceeding, and without control of or knowledge when the federal government shutdown will end. No party will be prejudiced by the Commission considering this late filed Motion.

11. Given the current and ongoing shutdown of the federal government, the lack of ability for DoD/FEA’s representative to make travel arrangements, and DoD/FEA’s signing of the Joint Stipulation, DoD/FEA respectfully requests to be excused from attending the November

3, 2025 hearing in these matters, both its representatives and witnesses. No party will be prejudiced by excusing DoD/FEA from attending the hearing in these matters.

12. The parties in the case have been conferred with on the relief sought by this Motion and the following parties have indicated no opposition: the Companies; Sierra Club; the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention; Lexington-Fayette Urban County Government; Louisville/Jefferson County Metro Government; Walmart, Inc.; Kentucky Industrial Utility Customers, Inc.; Kentucky Solar Industries Association, Inc.; Kentucky Broadband and Cable Association; the Joint Intervenors; and The Kroger Company.

WHEREFORE, the United States Department of Defense and all other Federal Executive Agencies respectfully requests the Commission consider this unopposed late filed Motion and further grant the relief sought herein to excuse DoD/FEA, its representative, local counsel, and witnesses from attending the November 3, 2025 hearing in these matters.

October 23, 2025

Respectfully submitted,

/s/ Kyle J Smith

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CERTIFICATE OF SERVICE

I, Kyle J Smith, representative for DoD/FEA, hereby certify that a copy of DoD/FEA's Motion to be Excused from Hearing was served electronically on October 23, 2025, along with the Read1st Cover Letter, on the following:

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/s/ Kyle J Smith_____