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**

KENTUCKY UTILITIES COMPANY
AND LOUISVILLE GAS AND ELECTRIC COMPANY'S
JOINT MOTION FOR DEVIATION

Pursuant to 807 KAR 5:001, Sections 9(2)(b) and 22, Kentucky Utilities Company and Louisville Gas and Electric Company (collectively, the "Companies") respectfully move the Kentucky Public Service Commission (the "Commission") for an order granting the Companies approval to deviate from the notice requirements in the above-captioned proceedings because the Companies have substantially complied with the Commission's notice regulations. In support of this motion, the Companies state as follows:

1. On July 31, 2025, the Commission issued Orders scheduling four public meetings across the Companies' service territories for the purpose of receiving public comments on the proceedings. In the Orders, the Commission scheduled four public comment meetings:

   a. Louisville, Kentucky on September 8, 2025;

b. Madisonville, Kentucky on October 13, 2025;[1]

c. Lexington, Kentucky on October 14, 2025; and

d. Middlesboro, Kentucky on October 16, 2025.

2. Ordering paragraph seven of the Commission's Orders directed the Companies to publish notice of the public meetings in accordance with 807 KAR 5:001, Section 9(2).

3. Under 807 KAR 5:001, Section 9(2)(b)(2), "[i]f 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."

4. On September 12, 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 publication of the Companies' public notice of the Madisonville, Lexington, and Middlesboro meetings in the newspapers that serve the Companies' service territories between September 25, 2025 and October 6, 2025. Kentucky Press directed each newspaper in writing to publish the Companies' public notice between September 25, 2025 and October 6, 2025. A sample of the Companies' public notice is attached to the Notarized Proof of Publication being filed herewith.

5. 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, two of the newspapers in the Companies' service territories 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

[1] In its October 8, 2025 Orders in the two cases, the Commission rescheduled the public meeting in Madisonville, Kentucky for October 30, 2025.

herewith, the *Cumberland Tri-City News*, a newspaper of general circulation in Harlan County, Kentucky, the *Pineville Sun*, a newspaper of general circulation in Bell County, Kentucky, and the *Manchester Enterprise*, a newspaper of general circulation in Clay County, Kentucky, failed to publish notice during the required time frame.

6. Although the *Cumberland Tri-City News* failed to publish the Companies' notice, a second newspaper of general circulation in Harlan County, Kentucky, the *Harlan Enterprise*, published the Companies' notice during the required time frame.

7. Although the *Pineville Sun* failed to publish the Companies' notice, a second newspaper of general circulation in Bell County, Kentucky, the *Middlesboro Daily News*, published the Companies' notice during the required time frame.

8. Although the *Manchester Enterprise* failed to publish the Companies' notice, nearby newspapers of general circulation, including the *Corbin Times Tribune*, the *London Sentinel Echo*, and the *Barbourville Mountain Advocate*, all published notice during the required time frame.

9. 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 *Louisville Courier-Journal*, which published the Companies' notice on October 1, 2025 and September 26, 2025, respectively.

10. 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 all but three 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.[2]

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

12. 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.

13. Additionally, pursuant to the Commission's October 8, 2025 Orders rescheduling the Madisonville public meeting, the Commission has granted deviations from the publication of notice requirements for the rescheduled Madisonville public meeting. The Companies have complied with the October 8, 2025 Orders and prominently published updated notice about the rescheduled date for the Madisonville public meeting, including the meeting's date and location, on their website.

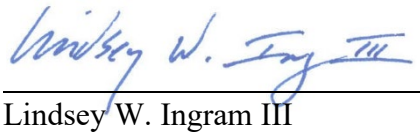
WHEREFORE, Kentucky Utilities Company and Louisville Gas and Electric Company respectfully request that the Commission grant approval pursuant to 807 KAR 5:001, Section 22

[2] *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: October 27, 2025

Respectfully submitted,



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CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8 as modified by 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 October 27, 2025; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.

Counsel for Kentucky Utilities Company and
Louisville Gas and Electric Company

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