

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

In the Matter of:

THE APPLICATION OF DUKE ENERGY KENTUCKY, )	CASE NO.
INC., FOR AN ADJUSTMENT TO RIDER PMM RATES )	2025-00229
AND FOR TARIFF APPROVAL )	

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**DUKE ENERGY KENTUCKY, INC.’S MOTION FOR LEAVE TO DEVIATE  
FROM 807 KAR 5:001, SECTION 17(2)(b)(3)**

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Comes now Duke Energy Kentucky, Inc. (Duke Energy Kentucky or the Company) and respectfully moves the Kentucky Public Service Commission (Commission) pursuant to 807 KAR 5:001, Section 22, for leave to deviate from the requirement of 807 KAR 5:001, Section 17(2)(b)(3), which requires the Company to publish notice once a week for three consecutive weeks in a prominent manner in a newspaper of general circulation in the utility’s service area, the first publication to be made no later than the date the application is submitted to the commission.<sup>1</sup>

Contemporaneously with this Motion, Duke Energy Kentucky is filing an application for an adjustment to its Pipeline Modernization Mechanism (Rider PMM) rates and for tariff approval (PMM Application). Prior to the submittal of the PMM Application,

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<sup>1</sup> 807 KAR 5:001, Section 17(2)(b) provides: “If a utility has more than twenty (20) customers, it shall provide notice by:

1. Including notice with customer bills mailed no later than the date the application is submitted to the commission;
2. Mailing a written notice to each customer no later than the date the application is submitted to the commission;
3. Publishing notice once a week for three (3) consecutive weeks in a prominent manner in a newspaper of general circulation in the utility’s service area, the first publication to be made no later than the date the application is submitted to the commission; or
4. Publishing notice in a trade publication or newsletter delivered to all customers no later than the date the application is submitted to the commission.”

on Friday, June 27, 2025, Duke Energy Kentucky sent a request to the Kentucky Press Association (KY Press) to schedule publication of the customer notice as required by 807 KAR 5:001, Section 17(2)(b)(3). Historically, an approximate week turn around has provided sufficient notice for newspapers to meet the requested publication timeline to align with the filing of the Company's Application. However, the KY Press notified the Company that two of the weekly publications, Grant County News and Link nky, would not be able to run the customer notice on or before the anticipated July 3, 2025, filing date. Accordingly, Duke Energy Kentucky requests a deviation for these two newspapers.

Duke Energy Kentucky has made a good faith attempt to publish its notices in accordance with 807 KAR 5:001, Section 17(2)(b)(3), but due to the July fourth holiday, and the weekly nature of some of the newspapers in the Company's service area, two of the newspapers are unable to publish notice on or before the submittal of the Company's Application in this proceeding. Despite the inability of these two newspapers to publish on or before July 3, 2025, the Company respectfully submits that the customers will not be harmed, and the spirit of the regulation has been met. Further, the Kentucky Enquirer, which collectively covers the same counties as the weekly publications, was able to publish notice within the requirements of the Commission's regulation. Also, the Rider PMM adjustment itself, is anticipated to go into effect no earlier than January 2026, consistent with the procedure approved by the Commission in Case No. 2021-00190.<sup>2</sup> Moreover, as explained below, the Company has arranged for each of the required newspapers, including Grant County News and Link nky, to publish the requisite notice for three consecutive

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<sup>2</sup> *In the Matter of the Electronic Application of Duke Energy Kentucky, Inc., for: 1) An Adjustment of the Natural Gas Rates; 2) Approval of new Tariffs, and 3) All Other Required Approvals, Waivers, and Relief*, Case No. 2021-00190, Order pg. 23, (Ky. P.S.C. Dec. 28, 2021).

weeks. Therefore, the Company will comply with the regulation in terms of publishing in each of the newspapers for three consecutive weeks and in advance of when customers will be impacted by the increase in rate.

Duke Energy Kentucky's customer notice is scheduled to run in five newspapers of general circulation (Falmouth Outlook, Warsaw Gallatin County News, Grant County News, Link nky, and The Kentucky Enquirer) covering each of the counties in the Company's electric and natural gas service territory. Of those five newspapers, only The Kentucky Enquirer is a daily newspaper. The other four newspapers publish only once a week but collectively cover the same counties as the Kentucky Enquirer. The notice is scheduled to be published in each of the following newspapers:

- the Falmouth Outlook is scheduled to publish the notice on July 1, 8, and 15, 2025;
- the Kentucky Enquirer is scheduled to publish the notice on July 3, 10, and 17, 2025;
- Link nky is scheduled to publish the notice on July 18, 25, and August 1, 2025;
- Warsaw Gallatin County News is scheduled to publish the notice on July 2, 9, and 16, 2025; and,
- Grant County News is scheduled to publish the notice on July 10, 17, and 24, 2025.

Due to the weekly nature of many of these newspapers, the holiday on July 4, 2025, and apparent vacations for at least one of the newspapers, the Company is unable to fully complete the required first publication on or before July 3<sup>rd</sup>. Importantly, of the five

newspapers of general circulation, three of these newspapers were able to publish on or before the filing of the Company's Application in this proceeding on July 3, 2025. And as previously stated, the Kentucky Enquirer covers the areas of the two weekly newspapers that were unable to meet the July 3<sup>rd</sup> PMM Application filing date.

WHEREFORE, Duke Energy Kentucky respectfully requests that the Commission enter an Order granting Duke Energy Kentucky a deviation from the notice publication requirements set forth under 807 KAR 5:001, Section 17(2)(b)(3) requiring the notice to be first published no later than the date of filing the application, July 3, 2025, as it relates to the Grant County News and Link nky. In the alternative, the Company requests the Commission issue a declaration that the Company has substantially complied with 807 KAR 5:001, Section 17(2)(b)(3), because the Kentucky Enquirer, the only daily newspaper in the Duke Energy Kentucky service area covers the same areas and accept the application for filing as of July 3, 2025.

Respectfully submitted,

DUKE ENERGY KENTUCKY, INC.

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### **CERTIFICATE OF SERVICE**

This is to certify that the foregoing electronic filing is a true and accurate copy of the document in paper medium; that the electronic filing was transmitted to the Commission on July 3, 2025; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that submitting the original filing to the Commission in paper medium is no longer required as it has been granted a permanent deviation.<sup>3</sup>

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<sup>3</sup>*In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Order, Case No. 2020-00085 (Ky. PSC July 22, 2021).