

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

In the Matter of:

APPLICATION OF DUKE ENERGY KENTUCKY,	)	CASE NO.
INC. FOR AN ADJUSTMENT TO RIDER NM II	)	2025-00258
RATES AND FOR TARIFF APPROVAL	)	

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**DUKE ENERGY KENTUCKY, INC.'S MOTION FOR LEAVE TO DEVIATE  
FROM 807 KAR 5:011, SECTION 8(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 5:011, Section 15, for leave to deviate from the requirement of 807 KAR 5:011, Section 8(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 Net Metering II Rider tariff (Rider NM II) rates and for tariff approval (NM II Application). Prior to the submittal of the NM II Application, on

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<sup>1</sup> 807 KAR 5:011, Section 8(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."

Monday, July 28, 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 5:011, Section 8(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 four of the weekly publications, Falmouth Outlook, Grant County News, Link nky, and Warsaw Gallatin County News would not be able to run the customer notice on or before the anticipated August 4, 2025 filing date. Accordingly, Duke Energy Kentucky requests a deviation for these four newspapers.

Duke Energy Kentucky has made a good faith attempt to publish its notices in accordance with 807 KAR 5:011, Section 8(2)(b)(3), but due to the weekly nature of some of the newspapers in the Company's service area, four 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 four newspapers to publish on or before August 4, 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 and is a daily newspaper, was able to publish notice within the requirements of the Commission's regulation. Also, the remaining four papers, while unable to secure an August 4, 2025 publication date, will publish shortly after that date and within the same week. Moreover, as explained below, the Company has arranged for each of the required newspapers to publish the requisite notice for three consecutive 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, Grant County News, Link nky, The Kentucky Enquirer, and Warsaw Gallatin County News) 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 August 5, 12, and 19, 2025;
- Grant County News is scheduled to publish the notice on August 7, 14, and 21, 2025;
- Link nky is scheduled to publish the notice on August 8, 15, and 22, 2025;
- the Kentucky Enquirer is scheduled to publish the notice on August 4, 11, and 18, 2025; and,
- Warsaw Gallatin County News is scheduled to publish the notice on August 6, 13, and 20, 2025.

Due to the weekly nature of many of these newspapers, the Company is unable to fully complete the required first publication on or before August 4<sup>th</sup>. Importantly, of the five newspapers of general circulation, four of them were able to publish in the same week of the filing of the Company's Application in this proceeding on August 4, 2025. And as previously stated, the Kentucky Enquirer is a daily newspaper which will publish the notice

timely and generally covers the areas of the four weekly newspapers that were unable to meet the August 4<sup>th</sup> NM II 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 5:011, Section 8(2)(b)(3) requiring the notice to be first published no later than the date of filing the application, August 4, 2025. In the alternative, the Company requests the Commission issue a declaration that the Company has substantially complied with 807 KAR 5:011, Section 8(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 August 4, 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 August 4, 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>2</sup>

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<sup>2</sup>*In the Matter of Electronic Emergency Docket Related to the Novel Coronavirus COVID-19*, Order, Case No. 2020-00085 (Ky. P.S.C. July 22, 2021).