

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF THE)	
PROPOSED POLE ATTACHMENT)	
TARIFFS OF KENTUCKY UTILITIES)	CASE NO. 2025-00391
COMPANY AND LOUISVILLE GAS AND)	
ELECTRIC COMPANY)	

**KENTUCKY UTILITIES COMPANY AND
LOUISVILLE GAS AND ELECTRIC COMPANY’S
MOTION TO STRIKE**

Kentucky Utilities Company (“KU”) and Louisville Gas and Electric Company (“LG&E”) (collectively, the “Companies”) respectfully move the Kentucky Public Service Commission (“Commission”) to strike the entirety of Kentucky Broadband and Cable Association’s (“KBCA”) April 17, 2026 Statement on Hearing except the first and last sentences of the Introduction.¹ With the exception of those two sentences, KBCA’s Statement on Hearing is not a simple “request either [for] a hearing or that the case be submitted for decision based on the record,” which is all the Commission’s long-established procedural schedule permitted. Instead, it is an eight-page reply brief for which the procedural schedule does not provide.² The Commission should therefore strike KBCA’s “Statement on Hearing.”

¹ The two sentences to which the Companies do not object are:

Based on the extensive record and the Commission’s careful consideration of the issues and orders in this proceeding, KBCA believes the record is sufficient for the Commission to rule on its objections to the November 2025 tariffs filed pursuant to 807 KAR 5:015 § 3(8) by the Rural Electric Cooperative Corporations (“RECCs”), Louisville Gas and Electric Company (“LG&E”), and Kentucky Utilities Company (“KU”) without a further evidentiary hearing.

...

Should the Commission seek additional information through an evidentiary hearing, KBCA is pleased to appear to present evidence and argument.

KBCA Statement on Hearing at 1-2.

² Case No. 2025-00391, Order Appendix (Ky. PSC Dec. 2, 2025).

KBCA did not propound a single discovery request in this case, nor did it file written testimony, despite being afforded the opportunity to do both by the Commission’s procedural schedule established in this proceeding five and half months ago.³ Instead, on the very last day of the procedural schedule at 4:26 PM, KBCA filed an unauthorized reply brief in support of its objections to the Companies’ proposed tariff, attempting to foreclose the Companies from any chance to meaningfully respond to its untimely and unauthorized arguments. The Commission’s procedural schedule contained its standard language, directing the parties to “request either a hearing or that the case be submitted for decision on the record no later than” April 17, 2026. When the Companies filed a letter on April 10 declining rebuttal (since there was nothing to rebut and because the Companies adequately addressed KBCA’s objections in their written response filed January 9, 2025), they also requested that the case be submitted on the record complying with the Commission’s directive in the last item on the procedural schedule.

KBCA, on the other hand, filed a substantive brief in support of its position in this case, with no reasonable justification for its departure from the Commission’s procedural schedule. KBCA’s counsel filed an entry of appearance on December 2, 2025.⁴ Thus, if KBCA had desired to file briefs in this case, it had more than four months to move the Commission to amend the procedural schedule to allow for briefing; KBCA chose not to do so. Moreover, the Commission’s procedural schedule allowed KBCA to file testimony by March 6, 2026;⁵ KBCA chose not to do so. In short, KBCA had ample opportunity either to file testimony—which the Companies could have addressed in their rebuttal testimony—or to move the Commission to amend the procedural schedule to allow briefing, perhaps in lieu of filing testimony—which again would have given the

³ *Id.*

⁴ Case No. 2025-00391, KBCA Entry of Appearance (Dec. 2, 2025).

⁵ Case No. 2025-00391, Order Appendix (Ky. PSC Dec. 2, 2025).

Companies an opportunity to respond. Instead, KBCA chose a course that neither complied with the Commission's long-established procedural schedule nor afforded the Companies a chance to respond. It's clear KBCA wanted to have the last word before the case is submitted for decision. But the Commission should not permit them to do so under the guise of a "Statement on Hearing". To do so would set a precedent that the Commission's standard language regarding the request for a hearing or to submit the case for decision on the record is an invitation for additional briefing not contemplated by the Commission's procedural schedule. For these reasons, the Commission should grant the Companies' Motion to Strike.

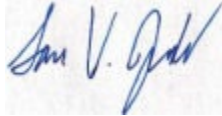
To be clear, the Companies and KBCA agree there is no need for an evidentiary hearing in this case.⁶ There is also no need to amend the procedural schedule to allow the Companies to respond to KBCA's Statement on Hearing; the Commission's long-established procedural schedule in this case is fully adequate. But maintaining the integrity of the Commission-established procedural schedule requires granting the Companies' Motion to Strike.

⁶ Case No. 2025-00391, Companies' Letter Declining Rebuttal Testimony (Apr. 10, 2026); KBCA Statement on Hearing at 1.

WHEREFORE, the Companies respectfully move the Commission to issue an Order striking the entirety of KBCA's Statement on Hearing except the first and last sentences of the Introduction.

Dated: April 20, 2026

Respectfully submitted,

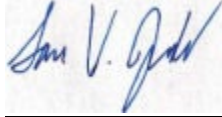


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CERTIFICATE OF SERVICE

In accordance 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 April 20, 2026; 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*