

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF DUKE ENERGY	)	
KENTUCKY, INC. OF A NATURAL GAS SERVICE	)	CASE NO.
MINIMUM USAGE AGREEMENT AND A PETITION	)	2020-00041
FOR CONFIDENTIAL TREATMENT	)	

ORDER

On January 27, 2020, Duke Energy Kentucky, Inc. (Duke Kentucky) submitted a Natural Gas Service Minimum Usage Agreement (Agreement) through the Commission's electronic Tariff Filing System. Duke Kentucky requested confidential treatment of the pricing and certain other information contained in the Agreement. The Agreement indicated that it became effective "on the date hereof," which was January 13, 2020. Paragraph 6.10 of the Agreement further provided that the Agreement is subject to the approval of the Commission. As the Agreement was not filed with the Commission until January 27, 2020, the earliest possible effective date for the Agreement is February 26, 2020, which is 30 days after the filing date.

Having reviewed the proposed filing and being otherwise sufficiently advised, the Commission finds that further proceedings will be necessary to determine the reasonableness of the Agreement and that such an investigation cannot be completed by February 26, 2020. Therefore, pursuant to KRS 278.190(2), the Agreement is suspended for five months from February 26, 2020, up to and including July 25, 2020.

As 807 KAR 5:001, Section 8, permits the Commission to direct the use of electronic filing procedures for proceedings that we initiate on our own motion, we find

that electronic filing procedures should be used. As such, Duke Kentucky shall follow the procedures set forth in 807 KAR 5:001, Section 8, when filing any document or paper in this matter.

The Commission further finds that a procedural schedule should be established to ensure the prompt resolution of this matter. The procedural schedule is attached hereto as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of Duke Kentucky's proposed Agreement.

2. Duke Kentucky's proposed Agreement is suspended for five months from February 26, 2020, up to and including July 25, 2020.

3. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

4. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of this Order, Duke Kentucky shall file a written statement that it waives any right to service of Commission Orders by United States mail and that it or its authorized agent possesses the facilities to receive electronic submissions.

5. Unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means; and

b. Within seven days of the date of an Order of the Commission granting its intervention, file with the Commission a written statement that:

(1) It, or its authorized agent, possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

6. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001, Section 4(8).

7. The procedural schedule set forth in the Appendix to this Order shall be followed.

8. a. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

b. Each response shall include the name of the witness responsible for responding to the questions related to the information provided and shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

9. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or

the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

10. Duke Kentucky shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of the hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, [psc.ky.gov](http://psc.ky.gov)." At the time publication is requested, Duke Kentucky shall forward a duplicate of the notice and request to the Commission.

11. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

12. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

13. The Commission does not look favorably upon motions of continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

14. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission

ENTERED  
FEB 20 2020  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2020-00041 DATED **FEB 20 2020**

Requests for intervention shall be filed no later than ..... 03/05/2020

Initial requests for information to Duke Kentucky  
shall be filed no later than..... 03/12/2020

Duke Kentucky shall file responses to  
initial requests for information no later than..... 03/23/2020

Supplemental requests for information to  
Duke Kentucky shall be filed no later than..... 04/02/2020

Duke Kentucky shall file responses to  
supplemental requests for information no later than ..... 04/13/2020

Intervenor Testimony, if any, in verified prepared  
form shall be filed no later than..... 04/20/2020

All requests for information to Intervenors shall  
be filed no later than..... 04/30/2020

Intervenors shall file responses to requests for  
information no later than..... 05/07/2020

Duke Kentucky shall file, in verified form, its rebuttal  
testimony no later than..... 05/14/2020

Duke Kentucky or any Intervenor shall request either a  
hearing or that the case be submitted for decision  
based on the record no later than ..... 05/21/2020

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