

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE)	CASE NO.
ENERGY KENTUCKY, INC. TO AMEND ITS)	2020-00266
DEMAND SIDE MANAGEMENT PROGRAMS)	

ORDER

On August 17, 2020, Duke Energy Kentucky, Inc. (Duke Kentucky) submitted an application for requesting approval to amend its Demand-Side Management (DSM) programs and revise tariffs to recover costs associated with its DSM programs, including net lost revenues and program-related incentives. Duke Kentucky proposes that the revised DSM tariffs become effective September 15, 2020.

Having reviewed Duke Kentucky's application and being otherwise sufficiently advised, the Commission finds that an investigation is necessary in order to determine the reasonableness of the proposed tariffs and that such investigation cannot be completed by September 15, 2020. Therefore, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed tariffs for five months. In addition, the Commission finds that a procedural schedule should be established to commence a review of the reasonableness of the proposed tariffs. That procedural schedule is attached hereto as an Appendix to this Order and is incorporated herein.

All requests for intervention should be filed by September 18, 2020. 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 proceedings 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.

Based on the foregoing, the Commission further finds that any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not adequately represented, or the issues and facts the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of electricity consumed by the movant or a general statement regarding a potential impact of a possible modification of rates will not be deemed sufficient to establish a special interest.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's proposed tariffs are suspended for five months from September 15, 2020, up to and including February 15, 2021.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. a. Responses to requests for information shall be appropriately bound, tabbed and indexed, with the original and an electronic version to the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable,

and shall be appropriately bookmarked. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

b. Each response 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 that indicates 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.

4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8.

Pursuant to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085¹ regarding filings with the Commission, the Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency. All responses 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.

5. 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 a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

motion to intervene filed after September 18, 2020, 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.

6. 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 hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov." At the time publication is requested, Duke Kentucky shall forward a duplicate of the notice and request to the Commission.

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

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

9. The Commission does not look favorably upon motions for 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.

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

By the Commission



ATTEST:

A handwritten signature in blue ink, appearing to be "H. A. L.", written over a horizontal line.

Acting Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00266 DATED SEP 03 2020

Last day for intervention requests to be accepted.....09/18/20

All initial requests for information to Duke Kentucky shall
be filed no later than..... 09/28/20

Duke Kentucky shall file responses to initial requests for
information no later than.....10/12/20

All supplemental requests for information to Duke Kentucky
shall be filed no later than 10/26/20

Duke Kentucky shall file responses to supplemental requests
for information no later than 11/09/20

Intervenor testimony, if any, in verified prepared
form shall be filed no later than 11/23/20

If there are no intervenors or no intervenor testimony, Duke Kentucky
shall file a request for either an evidentiary hearing or
that the matter be decided upon the record no later than 12/03/20

If Intervenor testimony is filed, all requests for information to Intervenor
shall be filed no later than 12/10/20

Intervenor shall file responses to requests for
information no later than..... 12/23/20

If Intervenor testimony is filed, the parties shall file a request for
either an evidentiary hearing or that the matter can be
decided upon the record no later than..... 01/08/21

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