



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

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MEMORANDUM

TO: PSC Staff, for dissemination

FROM: Rebecca Goodman, Secretary, Energy and Environment Cabinet

DATE: May 31, 2021

Re: COVID-19, State of Emergency
Requests for Temporary Regulatory Flexibility


As a result of the current novel coronavirus (COVID-19) emergency and under the authority delegated to me pursuant to KRS Chapter 39A and the Governor's Executive Orders, including Executive Orders 2020-243 and 2020.257, having been duly advised by the Kentucky Public Service Commission, I am implementing the following provisions in order to accommodate necessary services during the emergency.

Regulatory Impacts from COVID-19

The staff of the Kentucky Public Service Commission (PSC) is tasked by KRS 278.702 to serve as permanent administrative staff of the Kentucky State Board on Electric Generation and Transmission Siting (Siting Board). With the onset of COVID-19 and the Governor's declaration of a state of emergency in the Commonwealth, the PSC staff is aware that travel and social distancing constraints have caused difficulties with completing tasks in a timely manner relating to the Siting Board, including those required to be completed by contractors. Additionally, the cumulative effect of COVID-19 on personnel levels and staff resources, including the financial impact on utilities of COVID-19 leading to additional utility requests for relief, has further frustrated the ability of PSC staff and contractors to timely perform their duties relating to the Siting Board. PSC staff recommends an additional 30 days be granted to allow for the Siting Board to appropriately adjudicate a number of pending matters. Under the current statutory framework, if no evidentiary hearing is conducted, the Siting Board's final determination with respect to the application must be made within 120 days of the application's filing. If a hearing is conducted, the final determination must be made within 180 days. In order to provide adequate time for the Siting Board to meet and make a determination, and for PSC staff to process the Siting Board's determination, additional action is required.

As such, with respect to the following matters currently before the Siting Board, namely docketed Case Nos. 2020-00219, 2020-00190, 2020-00208 & 2020-00280, the date by which the Siting Board shall, by majority vote, grant or deny a construction certificate, either in whole or in part, in accordance with KRS 278.710, shall be extended thirty (30) days, which for matters that a hearing is conducted, extends the date from one hundred eighty (180) days to two hundred ten (210) days, from receipt of an administratively complete application.

Sincerely,

A handwritten signature in black ink, reading "Rebecca W. Goodman". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Rebecca W. Goodman
Secretary

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