

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE	)	
ENERGY KENTUCKY, INC. FOR A	)	
CERTIFICATE OF PUBLIC CONVENIENCE	)	
AND NECESSITY TO CLOSE ITS EAST	)	CASE NO.
LANDFILL AT THE EAST BEND GENERATING	)	2021-00290
STATION AND FOR APPROVAL TO AMEND	)	
ITS ENVIRONMENTAL COMPLIANCE PLAN	)	
FOR RECOVERY BY ENVIRONMENTAL	)	
SURCHARGE MECHANISM	)	

ORDER

On September 9, 2021, Duke Energy Kentucky, Inc. (Duke Kentucky) submitted an application for (1) a Certificate of Public Convenience and Necessity for the construction activities necessary for the closure of the East Landfill located at its East Bend Generating Station; (2) amendment of Duke Kentucky's Environmental Compliance Plan to include these closure costs and other asset retirement obligations, including ongoing groundwater monitoring and other landfill and basin maintenance activities related to environmental compliance; (3) recovery of the costs through Duke Kentucky's Environmental Surcharge Mechanism (ESM); and (4) any other necessary relief and approvals. The application proposed that the revised ESM tariff become effective on October 11, 2021.

By letter dated September 10, 2021, the Commission notified Duke Kentucky that its application had been accepted for filing as of the date of submission.

Pursuant to KRS 278.180(1), no change in utility rates is permitted except upon 30 days' notice to the Commission. Therefore, since the application was accepted for filing as of September 9, 2021, the earliest date that Duke Kentucky's proposed rates can be effective is October 9, 2021. Having reviewed Duke Kentucky's application, the Commission finds that an investigation will be necessary to determine the reasonableness of the proposed rates and that an investigation cannot be completed by October 9, 2021. Therefore, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed rates for five months, up to and including March 9, 2022.

The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed rates. The procedural schedule is attached hereto as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's proposed rates are suspended for five months, up to and including March 9, 2022.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. a. Electronic documents filed with the Commission in response to requests for information shall be in portable document format (PDF), shall be searchable, and shall be appropriately indexed and 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. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the

Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> regarding filings with the Commission.

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 that 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 motion to intervene filed 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.

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

6. 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.

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

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By the Commission



ATTEST:

  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00290 DATED SEP 22 2021

Last day for intervention requests to be accepted.....	10/06/2021
All initial requests for information to Duke Kentucky shall be filed no later than .....	10/13/2021
Duke Kentucky shall file responses to initial requests for information no later than.....	10/25/2021
All supplemental requests for information to Duke Kentucky shall be filed no later than .....	11/04/2021
Duke Kentucky shall file responses to supplemental requests for information no later than .....	11/17/2021
Intervenor testimony, if any, in verified prepared form shall be filed no later than .....	12/01/2021
All requests for information to Intervenors shall be filed no later than .....	12/13/2021
Intervenors shall file responses to requests for information no later than .....	12/27/2021
Duke Kentucky shall file, in verified form, its rebuttal testimony no later than .....	01/10/2022
Last day for Duke Kentucky or Intervenors to request a hearing or submit this case for a decision based on the record.....	01/17/2022
Decision due .....	03/09/2022

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