

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY)	CASE NO.
POWER COMPANY FOR A DEVIATION FROM)	2021-00485
807 KAR 5:011, SECTION 8(2) AND (4))	

ORDER

On December 28, 2021, Kentucky Power Company (Kentucky Power) filed, through the Commission’s electronic Tariff Filing System, a new proposed rate schedule to implement a Voluntary Curtailment Service tariff (Tariff V.C.S.) and a revised Purchase Power Adjustment Tariff.¹ As part of its filing, Kentucky Power requested a deviation from 807 KAR 5:011, Section 8(2)(b)(3) and 807 KAR 5:011, Section 8(4)(b), (c), and (d), which set out the requirements for how notice is given and what is to be included in the notice.

Commission regulation 807 KAR 5:011, Section 8(2)(b)(3) requires that notice be published “once a week for three (3) consecutive weeks in a prominent manner in a newspaper of general circulation in the utility’s service area, the first publication to be made no later than the date the tariff filing is submitted to the commission.” Kentucky Power indicated that there are 20 newspapers of general circulation in their territory and that the notice was published in all 20 newspapers the week of December 20, 2021.² However, Kentucky Power also indicated that six of the newspapers did not publish the week of December 27, 2021, which prevented the notice from running for three

¹ TFS2021-00531.

² Application at 3, paragraph 11.

consecutive weeks in those newspapers. Kentucky Power stated that the second and third publications in the affected newspapers would run the weeks of January 3, 2022, and January 10, 2022, respectively.³ Kentucky Power argued that the inability to publish the notice for consecutive weeks in the affected newspapers due to their publication schedule constitutes good cause for a deviation from 807 KAR 5:011, Section 8(2)(b)(3).⁴

Commission regulation 807 KAR 5:011, Section 8(4)(b), (c), and (d) require that a notice contain the present and proposed rates, the amount of the change requested in both dollar amounts and percentage change, and the amount of the average usage and effect upon an average bill for each customer classification to which the proposed rates apply. Kentucky Power stated that the credits received by participating customers will vary based on a number of factors which will cause each customer's bill to vary each month.⁵ Kentucky Power also argued that since Tariff V.C.S. is new and offers participating customers variable bill credits, it is not possible for it to include the present and proposed rates, the amount of the change requested in both dollar amounts and percentage, and the effect upon an average bill for each customer class to which the proposed rates apply in the notice.⁶ Kentucky Power stated that it makes clear in the notice that Tariff V.C.S. is new, explains which customers are eligible, how the tariff functions, and the important terms and conditions of the tariff.⁷

³ *Id.* at 4, paragraph 12.

⁴ *Id.* at 4, paragraph 13.

⁵ *Id.* at 2, paragraph 5.

⁶ *Id.* at 2, paragraph 6, and at 3, paragraph 7.

⁷ *Id.* at 3, paragraph 8.

Having reviewed the request for deviation and being otherwise sufficiently advised, the Commission finds that Kentucky Power's request for deviation from the notice requirements set forth in 807 KAR 5:011, Section 8(2)(b)(3) and (4)(b), (c), and (d) is reasonable and should be granted due to the nature of the proposed Tarff V.C.S. and due to the fact that the inability of six newspapers to run the notice for three consecutive weeks due to their publication schedules was out of Kentucky Power's control.

IT IS HEREBY ORDERED that:

1. Kentucky Power's request for a deviation from the notice requirements set forth in 807 KAR 5:011, Section 8(2)(b)(3) and (4)(b), (c), and (d) is granted.
2. This case is closed and removed from the Commission's docket.

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By the Commission

ENTERED
FEB 09 2022 ^{rCS}
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00485

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