

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC REVIEW OF ELECTRONIC FILING)	CASE NO.
PROCEDURES IN 807 KAR 5:001, SECTION 8(2),)	2022-00311
(4), AND (6))	

ORDER

The Commission, on its own motion, initiates this proceeding to address electronic filing procedures contained in 807 KAR 5:001, Section 8(2), (4), and (6) regarding electronic filing file formats and sizes, and the time period between filing a notice of intent to file an electronic case and filing an application. This Order is necessary to update certain electronic filing requirements, including electronic file size and format, to reflect current capabilities. The Commission intends to formally amend 807 KAR 5:001 to, among other things, reflect the requirements contained in this Order. The deviations set forth below shall remain in effect until the relevant regulations are amended, at which time the amended regulations will govern.

LEGAL STANDARD

In accordance with KRS 278.040(1), the Commission regulates utilities in this state and has the authority to enforce the provisions of KRS Chapter 278. KRS 278.040(2) provides the Commission with exclusive jurisdiction over the rates and services of the utilities in the Commonwealth. Additionally, KRS 278.040(3) authorizes the Commission to promulgate reasonable administrative regulations to implement the provisions of KRS Chapter 278.

Commission regulation 807 KAR 5:001, Section 22, provides that the Commission may grant deviations from the rules set forth in 807 KAR 5:001 upon a showing of good cause.

Commission regulation 807 KAR 5:001, Section 8(2), provides that an applicant must file a written notice of intent to use electronic filing procedures at least seven days prior to submitting an application. In Case No. 2020-00085, the Commission, on its own motion, required that all cases, with the exception of *pro se* complaints, be filed electronically, which effectively established a deviation from the requirement that an applicant wait at least seven days between filing a notice of intent to use electronic filing procedures and submitting an application.¹

Commission regulation 807 KAR 5:001, Section 8(4)(a)–(c), limits the types of formats for documents filed electronically to portable document format (PDF), Excel .xls format, MP3 for audio files, and MPEG-4 for video files.

Commission regulation 807 KAR 5:001, Section 8(6)(a)–(b), limits an uploading session to 20 files or 100 megabytes (MB) and limits individual file size to 30 MB. If an uploading session exceeds the 20 file or 100 MB limit, the filer must submit the documents in two or more consecutive uploading sessions.

DISCUSSION AND FINDINGS

As noted above, the electronic filing format and size limitations in current Commission regulations do not reflect the capabilities of the Commission's electronic filing system, which can handle larger files and supports a wider variety of format types.

¹ See Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order. See also Case No. 2020-00085 (Ky. PSC July 22, 2021), Order.

To promote administrative efficiency and effective use of electronic filers' resources, the Commission finds that good cause exists to grant deviations from the following electronic filing requirements.

The Commission finds that applicants are granted a deviation from 807 KAR 5:001, Section 8(2), and that an applicant shall file written notice of its election to use electronic filing procedures using the Notice of Election of Use of Electronic Filing Procedures form at least **three (3)** days prior to the submission of its application.

The Commission finds that electronic filers are granted a deviation from the file formats contained in 807 KAR 5:001, Section 8(4), and that the following file types are accepted for filing:

- PDF documents;
- Excel spreadsheets in .xlsx and .xls; and
- Zip files for audio and video files, or accepted PDF or Excel spreadsheet file formats greater than 50 MB that cannot be submitted in multiple uploading sessions or macro enabled Excel spreadsheets, including .xlsm or .xlsb.

The Commission finds that electronic files are granted a deviation from the file and session sizes contained in 807 KAR 5:001, Section 8(6), and that an individual file size shall not exceed 50 MB and an uploading session size is unlimited. File formats greater than 50 MB that cannot be split into a smaller size may be filed as Zip files.

The Commission encourages electronic filers with questions regarding file formats, file and session sizes, and related electronic filing questions to contact Commission Staff in the Filings Branch at 502-564-3940 for assistance. The Commission further encourages electronic filers to contact the Filings Branch for assistance before tendering

a motion for deviation from filing format and size requirements because Commission Staff can typically assist filers with such filing issues, which prevents the need to file a motion to deviate. Additionally, electronic filers with questions or concerns may be addressed informally through the electronic mail inbox of the Commission's Executive Director at PSCED@ky.gov.

IT IS THEREFORE ORDERED that:

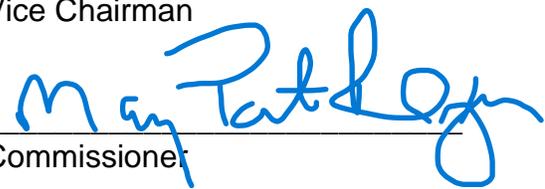
1. The proceeding is initiated to address deviations from electronic filing requirements in 807 KAR 5:001, Section 8(2), (4), and (6).
2. Applicants and electronic filers are granted a deviation from 807 KAR 5:001, Section 8(2), (4), and (6) as set forth in this Order.
3. This matter is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner



ATTEST:



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