

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF TAYLOR	)	
COUNTY RURAL ELECTRIC COOPERATIVE	)	CASE NO.
CORPORATION FOR A GENERAL ADJUSTMENT	)	2023-00147
OF RATES	)	

ORDER

On September 25, 2023, Taylor County Rural Electric Cooperative Corporation (Taylor RECC) filed a motion, pursuant to 807 KAR 5:001, Section 22, requesting the Commission grant a deviation from the hearing notice requirements established pursuant to 807 KAR 5:001, Section 9(2)(b). Taylor RECC stated that its counsel contracted COVID during the time that notice would have been submitted to the newspapers for publication.<sup>1</sup> As soon as Taylor RECC realized the issue, the notice was posted on Taylor RECC’s website and social media pages.<sup>2</sup> According to the motion, Taylor RECC contacted the local newspaper and the three radio stations in the area. WVLC – 99.9 FM “The Big Dawg” published the notice on its Facebook page and agreed to announce the hearing periodically on air. Two other radio stations, WHVE – 92.7 FM “The Wave” and WKDO – 98.7 FM “The Buck,” are also going to announce the hearing and will post the notice on their Facebook page.<sup>3</sup>

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<sup>1</sup> Taylor RECC’s motion for deviation (filed on Sept. 25, 2023) at 1.

<sup>2</sup> Taylor RECC’s motion for deviation at 1.

<sup>3</sup> Taylor RECC’s motion for deviation at 1-2.

Taylor RECC stated that it believes, with the radio station announcements and social medial posts coupled with the postings on Taylor RECC’s website and Facebook page, the public will not be materially disadvantaged by the lack of newspaper notice and requests to go forward with the hearing.<sup>4</sup> However, if the Commission denied the request for a deviation, Taylor RECC requested the hearing be rescheduled as soon as possible.<sup>5</sup>

### LEGAL STANDARD

The Commission, pursuant to 807 KAR 5:001, Section 9(2)(b),

(1) may order an applicant to give notice to the public of any hearing on the applicant's application, and shall order an applicant for a general adjustment of rates or reduction or discontinuance of service to give notice of any hearing on its application.

(2) If notice of a hearing is published by the applicant in a newspaper, it shall be published at least one (1) time and not less than seven (7) nor more than twenty-one (21) days prior to the hearing in a newspaper of general circulation in the areas that will be affected.

Section 22 of 807 KAR 5:001 states that, in special cases, for good cause shown, the Commission may permit deviations from these rules.

### DISCUSSION AND FINDINGS

The Commission finds that good cause has not been shown to grant a deviation to 807 KAR 5:001, Section 9(2)(b)(1)–(2). The Commission issued a procedural schedule on June 15, 2023. In that schedule, the Commission set a hearing date as well as outlined what the notice for a hearing needed to state.<sup>6</sup> Taylor RECC has requested a rate increase and notice to the public is required by both regulation and Order. Taylor RECC

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<sup>4</sup> Taylor RECC's motion for deviation at 2.

<sup>5</sup> Taylor RECC's motion for deviation at 3.

<sup>6</sup> Order (Ky. PSC Jun. 15, 2023) at 3-4.

serves nine counties and the Commission is tasked with ensuring the public is given an opportunity to participate in cases affecting rates.

However, the Commission recognizes that customers have already received notice of this hearing and may intend to offer public comments. Thus, the Commission finds that the evidentiary hearing in this matter should be canceled and converted to a hearing to receive public comments, if any. The Commission will go on the record at the scheduled time of the hearing to receive any public comments or to note that no person has requested to provide public comments. Counsel for all parties should appear at the scheduled date and time.

As it is through no fault of his own, the Commission, on its own motion, will grant the Attorney General's out-of-state witness the ability to appear virtually at any rescheduled hearing date.

IT IS HEREBY ORDERED that:

1. Taylor RECC's motion is denied.
2. The evidentiary hearing in this matter shall be canceled and converted to a hearing to receive public comments, if any.
3. Counsel for all parties shall attend the public comment hearing.
4. The Attorney General's witness, John Defever, may participate virtually at any future hearing date.
5. Nothing in this Order shall be construed to prevent further Orders in this matter.

PUBLIC SERVICE COMMISSION

  
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Chairman

  
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Vice Chairman

  
\_\_\_\_\_  
Commissioner



ATTEST:

  
\_\_\_\_\_  
Executive Director

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