

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF JACKSON)	
ENERGY COOPERATIVE CORPORATION FOR A)	CASE NO.
DEVIATION FROM 807 KAR 5:011, SECTION 8(2))	2024-00064
AND (3))	

ORDER

On March 11, 2024, Jackson Energy Cooperative Corporation (Jackson Energy) filed a proposed tariff revision to its Schedule OL - Outdoor Lighting Service. Included with this filing, Jackson Energy requested a deviation from the notice requirements from 807 KAR 5:011, Section 8(2)-(3). This case is opened to address this request.

LEGAL STANDARD

Commission regulation 807 KAR 5:011, Section 8 states that “a utility shall provide notice if a charge, fee, condition of service, or rule regarding the provision of service is changed, revised, or initiated and the change will affect the amount that a customer pays for service or the quality, delivery, or rendering of a customer's service.” Specifically, 807 KAR 5:011, Section 8 (2)-(3) provides, in relevant part:

- (2) Customer Notice.
- (b) If a utility has more than twenty (20) customers, it shall provide notice by:
 1. Including notice with customer bills mailed no later than the date the tariff filing is submitted to the commission;
 2. Mailing a written notice to each customer no later than the date the tariff filing is submitted to the commission;
 3. Publishing notice 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; or

4. Publishing notice in a trade publication or newsletter delivered to all customers no later than the date the tariff filing is submitted to the commission.

(c) A utility that provides service in more than one (1) county may use a combination of the notice methods established in paragraph (b) of this subsection.

(3) Proof of Notice. A utility shall file with the commission no later than forty-five (45) days from the date the tariff filing was initially submitted to the commission:

(a) If notice is mailed to its customers, an affidavit from an authorized representative of the utility verifying the contents of the notice, that notice was mailed to all customers, and the date of the mailing;

(b) If notice is published in a newspaper of general circulation in a utility's service area, an affidavit from the publisher verifying the contents of the notice, that the notice was published, and the dates of the notice's publication; or

(c) If notice is published in a trade publication or newsletter delivered to all customers, an affidavit from an authorized representative of the utility verifying the contents of the notice, the mailing of the trade publication or newsletter, that notice was included in the publication or newsletter, and the date of mailing.

Commission regulation 807 KAR 5:011, Section 15 states that “in special cases, for good cause shown, the commission shall permit deviations from this administrative regulation.”

DISCUSSION AND FINDINGS

Jackson Energy proposed adding two new options and rates; the 70-Watt LED Cobra Head will have a rate of \$11.53 per month and the 70-Watt LED Acorn Head will have a rate of \$16.20 per month.¹ Jackson Energy stated that it does not install many outdoor lights, considering in the past three years its installed less than 20 bulbs of each

¹ TFS2024-00105, Jackson Energy's Public Notice (filed Mar. 11, 2024).

type of light, but wanted to provide an LED option in order to be more energy efficient.² Jackson Energy argued that because the lights will be a brand-new offering, there will be no immediate impact on the rates any member pays or the quality, delivery, or rendering of service to a Member and notice does not appear to be required pursuant to 807 KAR 5:011, Section 8.³ Jackson Energy stated that it has prepared notice that complies with the notice requirements of 807 KAR 5:011, Section 8(4) and intends to publicly post said notice at its place of business and on its website in compliance with 807 KAR 5:011, Section 8(1).⁴ Jackson Energy stated that it should not be required to provide additional notice under 807 KAR 5:011, Section 8(2)-(3) and requested a deviation pursuant to 807 KAR 5:011, Section 15.⁵ Jackson Energy noted that the costs would be significant for Jackson Energy.⁶ Jackson Energy argued that there is limited value of giving customer notice, and there are better uses to which the necessary cost of publication could be applied.⁷

Having reviewed the request for deviation and being otherwise sufficiently advised, the Commission finds that Jackson Energy's request for a deviation from 807 KAR 5:011, Section 8(2)-(3) is reasonable and should be granted. The cost of publication outweighs the benefit of providing customer notice for the new outdoor lighting options. Similarly, the tariff would have limited applicability to customers as Jackson Energy does not install

² TFS2024-00105, Jackson Energy's Cover Letter Request for Deviation (filed Mar. 11, 2024) at 1.

³ TFS2024-00105, Jackson Energy's Cover Letter Request for Deviation at 2.

⁴ TFS2024-00105, Jackson Energy's Cover Letter Request for Deviation at 2.

⁵ TFS2024-00105, Jackson Energy's Cover Letter Request for Deviation at 2.

⁶ TFS2024-00105, Jackson Energy's Cover Letter Request for Deviation at 2.

⁷ TFS2024-00105, Jackson Energy's Cover Letter Request for Deviation at 2.

a lot of these specific types of lights, as evidenced by the fact that over the past three years it has installed less than 20 bulbs of each type of light. The Commission finds that posting notice on the utility's website and place of business will be sufficient.

IT IS THEREFORE ORDERED that:

1. This proceeding is initiated to address Jackson Energy's request for deviation from 807 KAR 5:011, Section 8(2)-(3).

2. Jackson Energy's request for deviation from 807 KAR 5:011, Section 8(2)-(3) is granted.

3. This case is closed and removed from the Commission's docket.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
APR 05 2024 bsb
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