

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF JACKSON)	
PURCHASE ENERGY CORPORATION FOR A)	CASE NO.
GENERAL ADJUSTMENT OF RATES AND)	2024-00085
OTHER GENERAL RELIEF)	

ORDER

On September 24, 2024, Jackson Purchase Energy Corporation (Jackson Purchase Energy) filed a motion¹ pursuant to Commission regulation 807 KAR 5:001, Section 22 requesting deviation from the certain parts of the notice requirements found in Commission regulation 807 KAR 5:001, Section 9(2).²

LEGAL STANDARD

Commission regulations 807 KAR 5:001, Section 9(2)(b)(2) and 807 KAR 5:001 Section 9(2)(b)(3) require a utility to provide notice of any hearing on its application for a general adjustment of rates by publishing notice in newspaper of general circulation in the areas that will be affected or to provide notice by mail.

Commission regulation 807 KAR 5:001, Section 22 provides, “[i]n special cases, for good cause shown, the commission may permit deviations from these rules.”

DISCUSSION AND FINDINGS

On August 23, 2024, the Commission entered an Order scheduling a hearing in this matter for December 16, 2024, and ordered Jackson Purchase Energy to give notice

¹ Jackson Purchase Energy’s Motion to Deviate (filed Sept. 24, 2024).

² 807 KAR 5:001, Section 9(2)(b)(2) and 807 KAR 5:001, Section 9(2)(b)(3).

of the hearing in accordance with 807 KAR 5:001, Section 9(2)(b).³ On September 24, 2024, Jackson Purchase Energy filed a motion pursuant to 807 KAR 5:001, Section 22, requesting a deviation from 807 KAR 5:001, Section 9(2)(b)(2) and 807 KAR 5:001, Section 9(2)(b)(3), which required Jackson Purchase Energy to provide notice of the December 16, 2024 hearing to customers by publication in newspaper or mail.⁴ The deviation requested would permit Jackson Purchase Energy to publish notice of the December 16, 2024 hearing in the December 2024 issue of *Kentucky Living*, to be mailed to customers on, or about, December 1, 2024.⁵

In support of its motion, Jackson Purchase Energy stated that, due to an arrangement with Big Rivers Electric Corporation (BREC), Jackson Purchase Energy does not pay any fees for publication in *Kentucky Living*, nor will Jackson Purchase Energy pay any fee to have the December 2024 edition of *Kentucky Living* mailed to the members who normally opt-out of delivery.⁶ Therefore, Jackson Purchase Energy stated that the requested deviation, allowing the publication of notice in *Kentucky Living*, will eliminate a request from the utility to recover the expense of publication.⁷

Previously, the Commission found “the cost differential between newspaper versus trade magazine publication” to be “good cause” to deviate from the notice requirements set forth in 807 KAR 5:001, Section 9 and authorized the use of a trade publication to

³ Order (Ky. PSC Aug. 23, 2024).

⁴ Jackson Purchase Energy’s Motion for Deviation.

⁵ Jackson Purchase Energy’s Motion to Deviation.

⁶ Jackson Purchase Energy’s Motion Deviation at 2.

⁷ Jackson Purchase Energy’s Motion Deviation at 2.

provide notice of the hearing.⁸ Additionally, the Commission found that *Kentucky Living* magazine is utilized by utilities “for purposes of complying with the Commission’s regulations when notice of a hearing is required to be published” and without the ability to publish notice of hearings in *Kentucky Living* “utilities would be required to incur the cost of utilizing newspaper publication or direct mail.”⁹

Therefore, the Commission finds that publishing notice in *Kentucky Living* and providing the issue by mail to all customers on or about December 1, 2024, is sufficient to inform customers of the upcoming hearing. The Commission finds Jackson Purchase Energy’s proposal to save the utility the cost of publication in local newspapers, by publishing notice of the December 16, 2024 hearing in *Kentucky Living* magazine at no cost to the customer, is “good cause” for a deviation from 807 KAR 5:001, Section 9(2)(b)(2) and 807 KAR 5:001, Section 9(2)(b)(3). These findings do not relieve Jackson Purchase Energy of its obligations to file notice of publication as set out in 807 KAR 5:001 Section 9.

IT IS THEREFORE ORDERED that:

1. Jackson Purchase Energy’s motion to modify Commission’s August 23, 2024 Order and seeking deviation from 807 KAR 5:001, Section 9(2)(b)(2) and 807 KAR 5:001, Section 9(2)(b)(3) is granted as described above.

2. Jackson Purchase Energy may provide notice of the December 16, 2024 hearing through publication in *Kentucky Living* magazine.

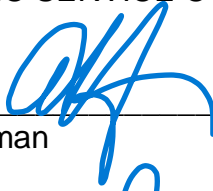
⁸ Case No. 2014-00051, *An Examination by the Public Service Commission of the Environmental Surcharge Mechanism of East Kentucky Power Cooperative, Inc. for the Six-Month Billing Period Ending December 31, 2013 and the Pass Through for Its Sixteen Member Distribution Cooperatives* (Ky. PSC Sept. 22, 2014), Order at 2.

⁹ Case No. 2017-00098, *Donald E. Thrasher Complainant v. Salt River Electric Cooperative Corporation Defendant* (Ky. PSC Mar. 21, 2017), Order at 2.

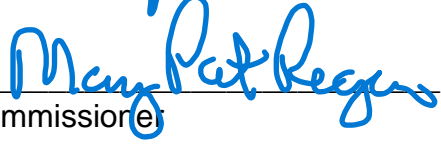
3. Notice and timing shall comply with 807 KAR 5:001, Section 9.
4. All other provisions of the August 23, 2024 Order and 807 KAR 5:001 not in conflict with the Order shall remain in full force and effect.

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PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ENTERED
OCT 21 2024
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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