

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|---------------------------------------|---|------------|
| ELECTRONIC APPLICATION OF DUKE ENERGY |) | |
| KENTUCKY, INC. FOR A CERTIFICATE OF |) | |
| PUBLIC CONVENIENCE AND NECESSITY TO |) | |
| CONVERT ITS WET FLUE GAS |) | |
| DESULFURIZATION SYSTEM FROM A |) | |
| QUICKLIME REAGENT PROCESS TO A |) | CASE NO. |
| LIMESTONE REAGENT HANDLING SYSTEM AT |) | 2024-00152 |
| ITS EAST BEND GENERATING STATION AND |) | |
| FOR APPROVAL TO AMEND ITS |) | |
| ENVIRONMENTAL COMPLIANCE PLAN FOR |) | |
| RECOVERY BY ENVIRONMENTAL SURCHARGE |) | |
| MECHANISM |) | |

ORDER

On October 11, 2024, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a motion requesting that the Commission stay the proceeding for at least 30 days to allow Duke Kentucky to “evaluate a potential supply opportunity for a lime reagent, which opportunity arose from an unsolicited updated supply offer.”¹ Duke Kentucky stated that the unsolicited updated supply offeror was interested in discussing a potential long-term lime supply contract, and that Duke Kentucky believes it has an obligation to appropriately evaluate the offer.² Duke Kentucky argued that a stay was necessary to completely exhaust all efforts related to the new information and potentially update its application and

¹ Duke Kentucky’s Motion for Stay of Proceeding (Motion) (filed Oct. 11, 2024).

² Duke Kentucky’s Motion at 1.

responses in the proceeding.³ Duke Kentucky claimed that no party to the proceeding objected to the request.⁴

On October 15, 2024, Sierra Club, an intervenor in this case, filed a response to Duke Kentucky's motion for a stay in the proceeding requesting the Commission grant Duke Kentucky's motion and extend the deadline for intervenor testimony out to at least ten days after the new information is filed.⁵ Sierra Club argued that Duke Kentucky provided new information that is directly relevant to the actual need for this project and to Sierra Club's testimony.⁶ Sierra Club asserted that the Commission should extend its deadline to at least ten days after Duke Kentucky provided updated information on the new lime supplier contract.⁷ Furthermore, Sierra Club argued that "a new long-term supply of lime reagent could impact the feasibility of the main alternative" and could "open up the door for the consideration of additional [project] alternatives."⁸

Having considered the motion and the response,⁹ the Commission finds that Duke Kentucky has not demonstrated good cause to grant a stay in this proceeding and denies the motion. Duke Kentucky provided very broad, vague statements about a "recently"

³ Duke Kentucky's Motion at 3-4.

⁴ Duke Kentucky's Motion at 1. Although factually true, Sierra Club's response discussed subsequently would indicate that a party had no objection but with other terms.

⁵ Sierra Club's Motion to Extend Deadline for Intervenor Testimony and Response to Duke Kentucky's Motion for Stay of Proceeding (Response) (filed Oct. 15, 2024) at 1.

⁶ Sierra Club's Response at 2-4.

⁷ Sierra Club's Response at 2-4.

⁸ Sierra Club's Response at 3.

⁹ Sierra Club's Response was the only response filed as of Oct. 16, 2024.

received, “unsolicited” offer.¹⁰ Duke Kentucky did not offer any specific information or deadlines by which specific information would be provided. The reliance on Case No. 2021-00341¹¹ is misplaced. The cited case was initiated by the Commission and was an investigation into a feasibility of a merger of utilities to which no statutory date applied. In this case, the Commission must comply with the statutory deadline, March 25, 2025, thus necessitating the denial of Duke Kentucky’s and Sierra Club’s motions. Nothing in this decision prevents Duke Kentucky from amending its application or withdrawing the application in order to more accurately and thoroughly investigate all alternatives to its proposal.

The Commission is cognizant of the Sierra Club’s arguments related to due process. However, the Commission notes that, if Duke Kentucky files any new information, Sierra Club may review it to determine whether it materially changes the application and move for a procedural change.

Since the Commission has denied the motion for a stay, the request for an extension to file testimony is deemed moot.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky’s motion for a stay in proceeding is denied.
2. Sierra Club’s motion to extend intervenor testimony is deemed moot.
3. Nothing in this Order should be construed to prevent further Orders of the

Commission.

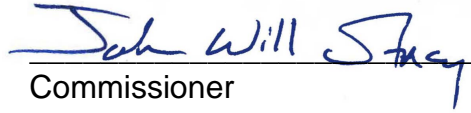
¹⁰ Duke Kentucky’s Motion at 1.

¹¹ Although Duke Kentucky did not include a cite for the case in its motion, Case No. 2021-00341 *An Electronic Investigation into Milburn Water District to Determine the Feasibility of Merger with a Proximate Utility Pursuant to KRS 74.361 or Abandonment Pursuant to KRS 278.020(6), KRS 278.021* (Ky. PSC Mar. 31, 2022).

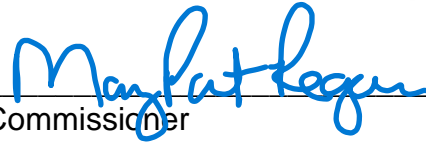
PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ENTERED
OCT 18 2024 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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Executive Director

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