

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 September 11, 2024, the Sierra Club filed a motion to incorporate the record of Case No. 2024-00197¹ into the record of this case number, pursuant to 807 KAR 5:001, Section 11(5).² The Sierra Club requested the following files be incorporated by reference: Duke Energy Kentucky Inc.’s (Duke Kentucky) 2024 Integrated Resource Plan – Confidential version; Duke Kentucky’s response to Joint Intervenors’ First Request for Information (Joint Intervenors’ First Request), Item 13 –Confidential version; Duke Kentucky’s response to Joint Intervenors’ First Request, Item 45 – Confidential version; and Duke Kentucky’s response to Commission Staff’s First Request for Information (Staff’s First Request), Item 5 Confidential version, which contain information on East

¹ Case No. 2024-00197, *Electronic 2024 Integrated Resource Plan of Duke Energy Kentucky, Inc.*, (filed June 25, 2024).

² The Sierra Club incorrectly titled the motion using Case No. 2024-00192 instead of Case No. 2024-00197.

Bend operational options and potential cost implications provided in Duke Kentucky's 2024 IRP that Sierra Club argues are relevant to this matter.

On September 18, 2024, Duke Kentucky filed a response to Sierra Club's motion to incorporate the record. Duke Kentucky argued the motion should be denied because it unduly complicated and disrupted this proceeding because the two cases are entirely different.³ On September 23, 2024, Sierra Club filed a reply in support of its motion.⁴

Upon motion of a party to a proceeding, or upon the Commission's own motion, the record of a case in the Commission's files or any document on file with the Commission may be made a part of the record by "reference only".⁵ The Sierra Club argued incorporation will "avoid unnecessary reproduction of documents, facilitate efficient review of the matter, and will be useful to the Commission in determining whether Duke [Kentucky]'s proposal satisfies the requirements necessary to secure a CPCN."⁶

Having considered the motion and being otherwise sufficiently advised, the Commission finds that the Sierra Club has established good cause and that its motion to incorporate Case No. 2024-00197 is granted. Furthermore, the Commission finds that the entirety of record in Case No. 2024-00197 shall be incorporated by reference as of any filings made prior to or as of September 27, 2024. The Commission agrees generally that cost considerations are part of evaluating requests for Certificates of Public Convenience

³ Duke Kentucky's Response to Sierra Club's Motion to Incorporate the Record of Case No. 2024-00197 (filed Sept. 18, 2024).

⁴ Sierra Club's Reply in Support of Motion to Incorporate Certain Records by Reference Only (filed Sept. 23, 2024).

⁵ 807 KAR 5:001, Section 11(5).

⁶ Sierra Club's Motion to Incorporate the Record of Case No. 2024-00192 (filed Sept. 11, 2024) at 3.

and Necessity, such as requested in this application. Allowing incorporation of the case will provide a more complete review of all information. Requiring refiling would be unnecessarily redundant.

IT IS THEREFORE ORDERED that the record of Case No. 2024-00197 in its entirety is incorporated by reference as of any filings made prior to or as of September 27, 2024, into this proceeding.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION

Chairman

Commissioner

Commissioner

ENTERED
OCT 10 2024
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Executive Director

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Debbie Gates
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*J. Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Joe F. Childers
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KENTUCKY 40507

*Minna Sunderman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*John G Horne, II
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204

*Rocco O D'Ascenzo
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Kristin Henry
Staff Attorney
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CALIFORNIA 94612

*Sarah Lawler
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45202

*Larisa Vaysman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201