

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2024 INTEGRATED RESOURCE) CASE NO.
PLAN OF DUKE ENERGY KENTUCKY, INC.) 2024-00197

ORDER

On November 26, 2024, Duke Energy Kentucky, Inc. (Duke Energy) filed a motion to excuse and consolidate witnesses participating in the December 10, 2024 hearing. Duke Kentucky argued that to reduce witness travel costs and to increase the efficiency of the hearing, 15 of its 27 witnesses who sponsored data request responses should be excused.¹ Duke Kentucky stated the remaining 12 witnesses would adopt these data responses, as noted in the motion.² Duke Kentucky indicated that the 12 remaining witnesses were able to answer questions regarding these responses, and Duke Kentucky could respond to post-hearing data requests regarding any incomplete information for which the excused witnesses were necessary.³ Duke Kentucky further claimed that it consulted with the intervenors, who had no objection to the motion.⁴

¹ Duke Kentucky's Motion to Excuse and Consolidate Witnesses (Motion) (filed Nov. 26, 2024) at 1-2.

² Duke Kentucky's Motion at 2-5.

³ Duke Kentucky's Motion at 3-5.

⁴ Duke Kentucky's Motion at 5.

Having reviewed the motion and being advised, the Commission finds that Duke Kentucky's motion to excuse and consolidate witnesses should be granted in the interests of administrative efficiency and minimizing cost to ratepayers.

The Commission notes that Duke Kentucky was aware at the time it provided data request responses that witnesses had overlapping areas of knowledge and should have consolidated responses at that time. Instead, Duke Kentucky waited until two weeks which included a holiday week before the hearing to ask Commission Staff and intervenors to interrupt work on final hearing preparation in order to quickly review the data request responses of 15 sponsors and evaluate the necessity of their attendance at hearing. The Commission draws Duke's attention to the July 16, 2024 Order in this proceeding, which clearly orders:

9. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

...

13. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

While reducing ratepayer expense for the hearing is a respectable goal, this was a potential expense that was fully in Duke Kentucky's control as the case unfolded and the ill-timed request is simply a result of poor planning on the part of Duke Kentucky. In the future, the Commission may require earlier deadlines to submit a witness list and any substitutions in order to determine whether adoption of testimony is appropriate and whether additional hearing days might be necessary. In the alternative, the Commission may, among other actions, deny requests to consolidate witness responses, require

attendance of all witnesses, or deny recovery of expenses related to duplicative witness appearance.

IT IS THEREFORE ORDERED that:

1. Witnesses Tyler Cook, Matthew Peterson, Jennifer Poppler, Bryan Garnett, Phillip Beard, Paige Swofford, Jacob Colley, Alan Mok, Jeff Turner, Bill Hehman, Nick Melilo, Karen Hall, Robert Ries, Bruce Sailors, and Mitch Carmosino are excused from participation in the December 10, 2024 hearing in this matter.

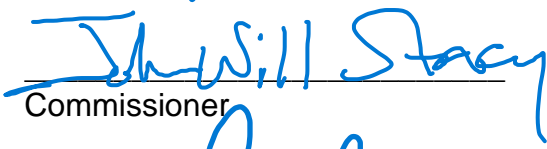
2. All remaining witnesses identified in Duke Kentucky's motion shall appear in person at the December 10, 2024 hearing.

3. The parties shall be permitted to submit post-hearing data requests regarding any issue that the appearing witnesses are unable to answer.

PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ENTERED
DEC 03 2024 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



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