

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY )	CASE NO.
KENTUCKY, INC. TO AMEND ITS DEMAND SIDE )	2024-00264
MANAGEMENT PROGRAMS )	

ORDER

On August 15, 2024, Duke Energy Kentucky, Inc. (Duke Kentucky) filed an application for approval to modify its Demand-Side Management (DSM) programs and proposed adjustments to its Demand-Side Management Rates (DSMR) for electric. Duke Kentucky proposed an effective date of September 15, 2024.

KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. The Commission further finds that an investigation will be necessary to determine the reasonableness of the proposed DSM rates and the proposed amended DSM programs, and that investigation cannot be completed before the earliest lawful effective date of September 16, 2024. Pursuant to KRS 278.190(2), the Commission will, therefore, suspend the effective date of the proposed tariff for five months, up to and including February 15, 2025.

The Commission directs Duke Kentucky to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>1</sup> in which the Commission mandated the use of electronic filing

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

procedures listed in 807 KAR 5:001, Section 8. Consistent with the filing procedures set forth in Case No. 2020-00085, the Commission finds that electronic filing procedures should be used.

The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed DSM rates and amended DSM programs. The procedural schedule is attached as an Appendix to this Order.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's proposed tariff is suspended for five months from September 15, 2024, up to and including February 15, 2025.
2. Duke Kentucky's existing DSM programs shall remain in effect pending the Commission's final Order in this proceeding.
3. Duke Kentucky shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this Order. The entry of appearance shall

include the name, address, telephone number, fax number, and electronic mail address of counsel.

4. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of the date of service of this Order, Duke Kentucky shall file by electronic means a written statement that it waives any right to service of Commission Orders by United States mail and that it or its authorized agent possess the facilities to receive electronic submissions.

6. Unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means; and

b. Within seven days of the date of service of an order of the Commission granting intervention, file with the Commission a written statement that:

(1) It or its authorized agent possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

7. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of

electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001, Section 4(8).

8. The procedural schedule set forth in the Appendix to this Order shall be followed.

9. Duke Kentucky shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

10. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding, which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

11. Any motion to intervene after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

12. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

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

14. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.


15. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of times with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

16. 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.

PUBLIC SERVICE COMMISSION

\_\_\_\_\_  
Chairman 

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Vice Chairman

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Commissioner 

ENTERED  
SEP 06 2024  
rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
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Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2024-00264 DATED SEP 06 2024

- Requests for intervention shall be filed no later than ..... 09/16/2024
- Initial requests for information to Duke Kentucky shall be filed no later than ..... 09/30/2024
- Duke Kentucky shall file responses to initial requests for information no later than..... 10/15/2024
- All supplemental requests for information to Duke Kentucky shall be filed no later than ..... 10/28/2024
- Duke Kentucky shall file responses to supplemental requests for information no later than ..... 11/12/2024
- Intervenor testimony, if any, in verified prepared form shall be filed no later than.... 11/18/2024
- All requests for information to Intervenors shall be filed no later than ..... 12/02/2024
- Intervenors shall file responses to requests for information no later than..... 12/16/2024
- Duke Kentucky shall file, in verified form, its rebuttal testimony no later than ..... 12/30/2024
- Duke Kentucky or any Intervenor shall request either a hearing or that the case be submitted for decision based on the record no later than ..... 01/06/2025

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