

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF LOUISVILLE)	
AND GAS ELECTRIC COMPANY FOR)	
APPROVAL OF RETIRED ASSET RECOVERY)	
RIDER COST RECOVERY FOR THE)	CASE NO.
RETIREMENT OF MILL CREEK UNIT 1 AND OF)	2024-00317
RETIRED ASSET RECOVERY RIDER TARIFF)	
REVISIONS AND MONTHLY REPORTING)	
FORMS)	

ORDER

This matter arises from Louisville Gas and Electric Company's (LG&E) motion to deviate from the customer notice requirements of 807 KAR 5:011, Section 8(2).¹

BACKGROUND

On October 4, 2024, LG&E filed an application requesting approval for its cost recovery for Mill Creek Unit 1 under Retirement Asset Recover Rider (Rider RAR) beginning with the expense month of January 2025, to be billed with the March 2025 billing cycle. LG&E also filed proposed Rider RAR tariff revisions and monthly report forms for the Commission's approval.² On November 15, 2024, LG&E filed its notice of proof of publication and a motion to deviate.³

¹ LG&E's Motion for Approval to Deviate From Rule (Motion) (filed Nov. 15, 2024).

² Application.

³ LG&E's Notice of Proof of Publication (filed Nov. 15, 2024).

MOTION

In its motion, LG&E stated that on September 20, 2024, it requested Kentucky Press Service, Inc. (Kentucky Press)⁴ to publish its notice of the application for three consecutive weeks beginning no later than October 4, 2024, in the newspapers where affected customers reside.⁵ The motion noted publication issues with *The Henry County Local*.⁶ LG&E stated that due to an error by Kentucky Press, *The Henry County Local* did not publish notice during the period prescribed by 807 KAR 5:011, Section 8(2)(b)(3).⁷ Upon learning of the error, LG&E directed Kentucky Press to cause *The Henry County Local* to publish the LG&E notice for three consecutive weeks beginning the week of October 28, 2024.⁸ LG&E provided an affidavit stating that notice was published in *The Henry County Local* on October 30, November 6, and November 13, 2024.⁹

LG&E argued that the purpose of the notice regulation is to ensure that the public has sufficient notice of the application.¹⁰ LG&E further stated that it substantially complied with the regulation as notice was published in each county three times, including the *Louisville Courier-Journal*, which is the newspaper of largest circulation in LG&E's service territory and in Kentucky.¹¹

⁴ Kentucky Press is an organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky.

⁵ LG&E's Motion at 1.

⁶ LG&E's Motion at 2.

⁷ LG&E's Motion at 2.

⁸ LG&E's Motion at 2.

⁹ Affidavit of Notice (filed Nov. 15, 2024) at 2.

¹⁰ LG&E's Motion at 2.

¹¹ LG&E's Motion at 2.

LEGAL STANDARD

Commission regulation 807 KAR 5:011, Section 8(2)(b)(3) states that a utility shall provide notice by publishing notice once a week for three consecutive weeks in a prominent manner in a newspaper of general circulation in the utility's service area, the first publication to be made no later than the date the tariff filing is submitted to the commission.

Commission regulations 807 KAR 5:001, Section 22 and 807 KAR 5:011, Section 15 permits the Commission to grant deviations upon a showing of good cause.

DISCUSSION AND FINDINGS

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that LG&E has provided good cause to deviate from the notice requirements of 807 KAR 5:011, Section 8(2). LG&E requested publication of notice in a timely manner. While there was a delay in notice, all customers received notice, and the delay in notice was not a result of LG&E's actions. For this reason, the Commission finds that LG&E substantially complied with the notice requirement, and that a deviation should be granted.

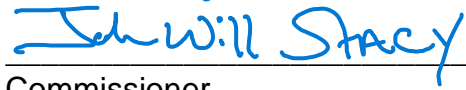
IT IS THEREFORE ORDERED that LG&E's motion for a deviation from the notice requirements of 807 KAR 5:011, Section 8(2) is granted.

PUBLIC SERVICE COMMISSION

Chairman



Commissioner



Commissioner



ATTEST:



Executive Director



*Andrea M. Fackler
Manager, Revenue Requirement
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010

*Honorable Allyson K Sturgeon
Vice President and Deputy General Counsel-
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Sara Judd
Senior Corporate Attorney
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Honorable W. Duncan Crosby III
Attorney at Law
Stoll Keenon Ogden, PLLC
2000 PNC Plaza
500 W Jefferson Street
Louisville, KENTUCKY 40202-2828

*Emily S. Childress
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*Honorable Lindsey W Ingram, III
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*Robert Conroy
Vice President, State Regulation and Rates
LG&E and KU Energy LLC
220 West Main Street
Louisville, KENTUCKY 40202

*Louisville Gas and Electric Company
220 W. Main Street
P. O. Box 32010
Louisville, KY 40232-2010