

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC 2024 JOINT INTEGRATED	)	
RESOURCE PLAN OF LOUISVILLE GAS AND	)	CASE NO.
ELECTRIC COMPANY AND KENTUCKY	)	2024-00326
UTILITIES COMPANY	)	

ORDER

On October 18, 2024, Louisville Gas & Electric Company (LG&E) and Kentucky Utilities Company (KU) (collectively, LG&E/KU) filed its Integrated Resource Plan (IRP). On the same day, LG&E/KU also filed a motion to deviate from 807 KAR 5:001, Section 8(3) and Section 22. For the reasons provided below, the Commission grants LG&E/KU's motion to deviate with specific instructions.

LEGAL STANDARD

Pursuant to 807 KAR 5:001, Section 22, the Commission may, at its discretion, allow deviation from the filing requirements in 807 KAR 5:001 upon a showing of good cause. Commission regulation 807 KAR 5:001, Section 8 and Case No. 2020-00085<sup>1</sup> require parties to cases such as this proceeding to electronically upload all filings to the Commission's electronic filing system.

In Case No. 2022-00311,<sup>2</sup> the Commission authorized deviations from certain electronic file format and size regulations pending the amendment of the relevant

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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.

<sup>2</sup> Case No. 2022-00311, *Electronic Review of Electronic Filing Procedures in 807 KAR 5:001, Section 8(2), (4), and (6)* (Ky. PSC Oct. 6, 2022), Order.

regulations. The Commission established standards that accepted for electronic filing zip files for certain file formats greater than 50 MB that cannot be submitted in multiple uploading sessions. In that case, the Commission encouraged filers to contact the Commission's Filings Branch Staff for assistance before tendering a motion to deviate from filing format and size requirements.

### LG&E/KU'S MOTION TO DEVIATE

LG&E/KU's motion to deviate included two large, zipped, files of non-confidential information. Those files are named:

- KPSC Case No 2024-00326 -- LGE-KU 2024 IRP Load Forecasting Workpapers- - PUBLIC.zip
- KPSC Case No 2024-00326 -- LGE-KU 2024 IRP Resource Planning Workpapers- - PUBLIC.zip

Each file contains a collection of smaller files in folder structures essential to the "usefulness and comprehensibility[]" necessitating that the documents be produced as zip files. In support of its motion, LG&E/KU argued that the request to deviate from the filing requirements "will not prevent the Commission from maintaining physical control of the case filings."<sup>3</sup> In the motion, LG&E/KU requested permission to produce the files to the Commission using MoveIT as proposed by Commission Staff.<sup>4</sup>

Finally, KRS 278.100 tasks the Commission's Executive Director with "maintaining the official records of commission proceedings."

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<sup>3</sup> Joint Motion for Approval to Deviate from Rule (Joint Motion) (filed Oct. 18, 2024) at 2.

<sup>4</sup> Joint Motion at 2.

## DISCUSSION AND FINDINGS

Based upon a review of the motion and being otherwise sufficiently advised, the Commission finds that LG&E/KU has established good cause to deviate from the filing requirements housed in 807 KAR 5:001, Section 8; but that LG&E/KU's proposed solution of providing the files only through the MoveIT portal is insufficient to address the specific concerns associated with keeping and distributing extremely large zipped files. In ruling as it does, the Commission notes that LG&E/KU reached out to Commission Staff as instructed by Case No. 2022-00402<sup>5</sup> in an attempt to resolve this issue prior to filing its IRP.

As an initial matter, while LG&E/KU did provide a digital copy of the material to the Commission, the nature of the files created unique challenges for the Commission, both with regards to maintaining possession of the official records and allowing useful access of the files to the public as required by KRS 278.100. Since the files are nested, they must remain in a particular order or they will not be useable to any party or interested citizen. Coupled with the sheer size of the files, providing only digital copies to the Commission creates concerning logistical problems.

Therefore, the Commission finds that the appropriate remedy in this circumstance is for LG&E/KU to provide a thumb drive uploaded with the files in question to the Commission so that it may maintain its records in accordance with KRS 278.100. Additionally, LG&E/KU is instructed to provide identical thumb drives to all parties who are granted intervention in this case. The Commission, however, cautions LG&E/KU and

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<sup>5</sup> Case No. 2022-00402, *Electronic Joint Application of Kentucky utilities Company and Louisville Gas and Electric Company for Certificates of Public Convenience and Necessity and Site Compatibility Certificates and Approval of a Demand Side Management Plan* (Ky. PSC Dec. 22, 2022), Order.

other utilities with business before the Commission that this remedy may not be appropriate in future case filings, and the Commission stresses that best practice remains for utilities and parties to contact Commission Filings Branch Staff for assistance with electronic filing issues as noted in Case Nos. 2022-00311<sup>6</sup> and 2022-00402.<sup>7</sup>

IT IS THEREFORE ORDERED that:

1. LG&E/KU's motion to deviate from filing requirements is granted, as modified.
2. LG&E/KU is instructed to provide a physical thumb drive uploaded with the relevant files to the Commission, and all parties granted intervention in this case within 30 days of this issuance of this Order.

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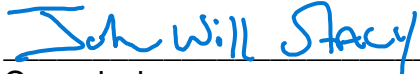
<sup>6</sup> Case No. 2022-00311, Oct. 6, 2022 Order.

<sup>7</sup> Case No. 2022-00402, Dec. 22, 2022 Order.

PUBLIC SERVICE COMMISSION

  
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Chairman

  
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Commissioner

  
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Commissioner

ATTEST:

  
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Executive Director

ENTERED  
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