

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DELTA)	CASE NO.
NATURAL GAS COMPANY, INC. FOR AN)	2024-00346
ADJUSTMENT OF GAS RATES)	

ORDER

This matter arises from Delta Natural Gas Company, Inc.'s (Delta) proof of publication and motion to deviate from the customer notice requirements of 807 KAR 5:001, Section 17(2)(b).¹

BACKGROUND

On October 25, 2024, Delta filed its notice of intent to file a rate application, and on November 25, 2024, Delta filed an application for a general rate adjustment pursuant to 807 KAR 5:001 Section 16. On December 31, 2024, Delta filed its notice of proof of publication and a motion to deviate from the requirements set out in 807 KAR 5:001, Section 17(2)(b) as a result of good cause pursuant to 807 KAR 5:011 Section 15.²

MOTION

In its motion, Delta stated that on November 12, 2024, it requested Kentucky Press Service, Inc. (Kentucky Press)³ to publish its notice of the application for three

¹ Motion to Deviate (Motion) (filed Dec. 31, 2024).

² Motion at 1. The Motion cites to 807 KAR 5:011 Section 15; however, 807 KAR 5:001 contains its own deviation section, Section 22, for requirements set forth in that regulation.

³ An organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky.

consecutive weeks beginning the week of November 25, 2024, in the newspapers where affected customers reside.⁴ The motion cited two errors in publication of the notice.

First, Delta stated that, due to an error by Kentucky Press, *The Interior Journal*, the newspaper of general circulation in Lincoln County, Kentucky, did not publish notice during the period prescribed by 807 KAR 5:001, Section 17(2)(b).⁵ Delta did not take any additional action upon learning of the failure of Kentucky Press but did note that the newspaper of largest circulation in its territory, *The Lexington Herald Leader*, did publish notice in compliance with the Commission regulation.⁶ Delta also stated that the utility had approximately four customers taking service in this area.⁷

Second, according to the motion, the newspaper of general circulation in Wolfe and Powell counties, *The Swift Creek Courier*, published notice for two weeks and then ceased publication permanently.⁸ Delta argued that the purpose of the notice regulation is to ensure that the public has sufficient notice of the application.⁹ Delta further argued that the purpose of the regulation was achieved when it substantially complied with the regulation, as notice was published in 36 newspapers of general circulation for three weeks, including *The Lexington Herald Leader*.¹⁰

⁴ Motion at 1.

⁵ Motion at 2.

⁶ Motion at 2.

⁷ Motion at 2.

⁸ Motion at 2.

⁹ Motion at 2-3.

¹⁰ Motion at 2-3.

LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 17(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 application filing is submitted to the commission. Commission regulation 807 KAR 5:001, Section 22 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 Delta has provided good cause to deviate from the notice requirements of 807 KAR 5:001, Section 17(2)(b). Delta requested publication of notice in a timely manner. Unfortunately, a newspaper ceased publication; however, customers in Wolfe and Powell counties, Kentucky did receive notice two out of the three weeks.¹¹

The Commission notes that the same cannot be said of the customers in Lincoln County. The approximately four customers of Delta in that area did not receive notice pursuant to 807 KAR 5:001 Section 17(2)(b)(3). Delta argued that, in spite of this, it had substantially complied with the notice requirements in this matter.¹² The Commission does agree that Delta did substantially comply with the notice requirements in this matter; however, the Commission wants to ensure that those customers are aware of the application for a general adjustment of rates. The Commission notes that Delta does have the required information and link to the filings in this matter on its website as required

¹¹ Motion at 2.

¹² Motion at 3.

pursuant to 807 KAR 5:001 Section 17(1), and customers may access the information at Rates – Delta Natural Gas Company, Inc.¹³ The Commission finds that Delta should mail the customer notice published in the newspapers of general circulation to its customers residing in Lincoln County, Kentucky within 14 days of service of this Order and file proof of such within 14 days after the mailing occurs.

For this reason, the Commission finds that Delta substantially complied with the notice requirement, and that a deviation for good cause, in accordance with 807 KAR 5:001 Section 22, should be granted subject to the conditions set out above.

IT IS THEREFORE ORDERED that:

1. Delta's motion for a deviation from 807 KAR 5:001 Section 17(2)(b) for good cause is granted, subject to the following conditions.
2. Delta shall mail customer notice to its customers accepting service in Lincoln County, Kentucky within 14 days of service of this Order.
3. Delta shall file proof of the mailing in the record within 14 days after completion of the mailing.

¹³ <https://deltagas.com/rates/>.

PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:

 

Executive Director

ENTERED
JAN 09 2025 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

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