

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF SOUTH)	
KENTUCKY RURAL ELECTRIC COOPERATIVE)	CASE NO.
CORPORATION FOR A GENERAL ADJUSTMENT)	2024-00402
OF RATES AND OTHER GENERAL RELIEF)	

ORDER

On May 7, 2025, South Kentucky Rural Electric Cooperative Corporation (South Kentucky RECC) filed a motion for deviation pursuant to 807 KAR 5:001, Section 22,¹ requesting a deviation from the hearing notice requirements under 807 KAR 5:001, Section 9.

LEGAL STANDARD

Commission regulation 807 KAR 5:001, Section 22 allows the Commission to grant a deviation from the regulations for good cause shown.

Commission regulation 807 KAR 5:001, Section 9(2)(b)(2) states that if notice of a hearing is published by the applicant in a newspaper, it shall be published at least one time and not less than seven nor more than twenty-one days prior to the hearing in a newspaper of general circulation in the areas that will be affected.

Commission regulation 807 KAR 5:001, Section 9(2)(b)(3) requires notice by mail to be mailed not less than fourteen days nor more than twenty-one days prior to the hearing.

¹ South Kentucky RECC's Motion for Deviation (Motion) (filed May 7, 2025)

MOTION

On April 23, 2025, the Commission entered an Order scheduling a hearing in this matter on July 17, 2025, and ordered South Kentucky RECC to give notice of the hearing in accordance with 807 KAR 5:007, Section 9(2)(b).² On May 7, 2025, South Kentucky RECC filed a motion requesting approval to deviate from a portion of 807 KAR 5:001, Section 9(2), that requires a utility to provide notice of a hearing by publication in a newspaper or by mailing notice to customers.³ South Kentucky RECC stated that it has the opportunity to publish notice on the July 17, 2025 hearing in the July issue of Kentucky Living Magazine.⁴

South Kentucky RECC stated that the July issue of Kentucky Living Magazine would be mailed to members on or about July 1, 2025.⁵ Additionally, South Kentucky RECC stated that it has the ability to coordinate with Kentucky Living Magazine for the July edition to provide a copy to all customers, including the members that normally opt-out of receiving the magazine.⁶ South Kentucky RECC stated that it expects a significant cost savings for publication in Kentucky Living Magazine as opposed to the multiple newspapers that serve South Kentucky RECC's service area.⁷ South Kentucky RECC stated that it would supplement the record at the time of publication with a copy of the

² Order (Ky. PSC Apr. 23, 2025).

³ Motion) (filed May 7, 2025) at 1.

⁴ Motion at 2.

⁵ Motion at 2.

⁶ Motion at 2.

⁷ Motion at 2.

notice and publisher's affidavit.⁸ South Kentucky RECC also provided a copy of the notice with the motion.⁹

FINDINGS

Having reviewed the record and being otherwise sufficiently advised, the Commission finds that South Kentucky RECC's Motion should be granted. South Kentucky RECC was ordered to file notice of the hearing pursuant to 807 KAR 5:001, Section 9(2)(b).¹⁰ Administrative regulation 807 KAR 5:001, Section 9(2)(b) provides two ways for a utility to provide notice of a hearing to customers: publication in a newspaper¹¹ or by mailing notice to customers.¹² South Kentucky RECC seeks to provide notice by mail in the Kentucky Living Magazine as it would provide cost savings to the utility. The Commission has previously found that "the cost differential between newspaper versus trade magazine publication" to be "good cause" to deviate from the notice requirements set forth in 807 KAR 5:001, Section 9 and authorized the use of a trade publication to provide notice of the hearing.¹³

Additionally, the Commission found that Kentucky Living magazine is utilized by utilities "for purposes of complying with the Commission's regulations when notice of a hearing is required to be published" and without the ability to publish notice of hearings in

⁸ Motion at 2.

⁹ Motion, Attachment A.

¹⁰ Order (Ky. PSC Apr. 23, 2025) at 1.

¹¹ 807 KAR 5:001, Section 9(2)(b)(2).

¹² 807 KAR 5:001, Section 9(2)(b)(3).

¹³ Case No. 2014-00051, *An Examination by the Public Service Commission of the Environmental Surcharge Mechanism of East Kentucky Power Cooperative, Inc. for the Six-Month Billing Period Ending December 31, 2013 and the Pass Through for Its Sixteen Member Distribution Cooperatives* (Ky. PSC Sept. 22, 2014), Order at 2.

Kentucky Living utilities “would be required to incur the cost of utilizing newspaper publication or direct mail”.¹⁴ Therefore, the Commission finds that South Kentucky RECC’s proposal to save the utility the cost of publication in local newspapers, by publishing notice of the July 17, 2025 hearing in Kentucky Living magazine is “good cause” for a deviation from 807 KAR 5:001, Section 9(2)(b) and 807 KAR 5:001, Section 9(2)(b)(3).

IT IS THEREFORE ORDERED that:

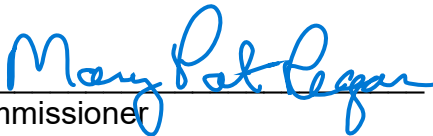
1. South Kentucky RECC’s Motion is granted.
2. South Kentucky RECC shall file a notarized affidavit by the publisher of Kentucky Living Magazine along with a copy of the notice and timing in the record.

¹⁴ Case No. 2017-00098, *Donald E. Thrasher Complainant v. Salt River Electric Cooperative Corporation Defendant* (Ky. PSC Mar. 21, 2017), Order at 3-4.

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