

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONVERT ITS WET FLUE GAS)	
DESULFURIZATION SYSTEM FROM A)	
QUICKLIME REAGENT PROCESS TO A)	CASE NO.
LIMESTONE REAGENT HANDLING SYSTEM AT)	2025-00002
ITS EAST BEND GENERATING STATION AND)	
FOR APPROVAL TO AMEND ITS)	
ENVIRONMENTAL COMPLIANCE PLAN FOR)	
RECOVERY BY ENVIRONMENTAL SURCHARGE)	
MECHANISM)	

ORDER

On May 2, 2025, Duke Energy Kentucky, Inc. (Duke Kentucky) filed a motion to reschedule the evidentiary hearing¹ in this proceeding, currently set for May 28, 2025.² Additionally, in its Motion, Duke Kentucky addressed an issue raised at an informal conference held in this matter, discussed in more detail below, noting it did not object to the Commission granting the Sierra Club witness Chelsea Hotaling the ability for her to appear virtually at the evidentiary hearing for this matter.

BACKGROUND

On January 28, 2025, Duke Kentucky submitted an application to amend its Environmental Compliance Plan (Compliance Plan) to grant Duke Kentucky authority to

¹ Duke Kentucky's Motion to Modify Hearing Date (filed May 2, 2025) (Motion) at 4.

² Order (Ky. PSC Apr. 9, 2025).

recover the costs associated with its Compliance Plan amendment through its existing environmental surcharge, and for issuance of a Certificate of Public Convenience and Necessity (CPCN) for the construction and conversion of its existing Wet Flue Gas Desulfurization (WFGD) from a quicklime handling process to a limestone handling process to continue to meet existing environmental regulations. This application is duplicative of the subject matter and relief sought in Case No. 2024-00152 after the Commission granted Duke Kentucky leave to withdraw that application without prejudice.³ The Attorney General's Office of Rate Intervention and Sierra Club were granted intervention in this case in February 2025.⁴

On April 28, 2025, an informal conference (IC) occurred. During that conference, Duke Kentucky discussed its availability conflicts with the May 28, 2025 hearing date and the collective parties discussed availability of counsel and witnesses as well as viable alternative dates in June that could accommodate the evidentiary hearing.⁵ During the IC, the Sierra Club stated that its witness Ms. Chelsea Hotaling is scheduled to testify at multiple hearings in different jurisdictions during the month of June and requested both a date certain and the ability for her to appear virtually.⁶

³ Case No. 2024-00152, *Electronic Application of Duke Energy Kentucky, Inc. for a Certificate of Public Convenience and Necessity to Convert its Wet Flue Gas Desulfurization System from a Quicklime Reagent Process to a Limestone Reagent Handling System at its East Bend Generating Station and for Approval to Amend its Environmental Compliance Plan for Recovery by Environmental Surcharge Mechanism* (Ky. PSC Jan. 6, 2025), Order.

⁴ Order (Ky. PSC Feb. 4, 2025) at 1.

⁵ PSC Letter Filing IC Memo and Sign in Sheet (Ky. PSC May 6, 2025).

⁶ Duke Kentucky's Motion to Modify Hearing Date (filed May 2, 2025) (Duke Kentucky's Motion) at 4.

DISCUSSION

Duke Kentucky stated that good cause exists to reschedule the evidentiary hearing currently scheduled to commence May 28, 2025, because Duke Kentucky counsel and two witnesses are not available that week due to previously scheduled family vacations, and will be either out of town or out of the country.⁷ Duke Kentucky acknowledged, that in its application, it requested the Commission issue a decision by June 30, 2025, if possible.⁸ In this Motion, Duke Kentucky withdrew that request in order to accommodate a June hearing date and allow the Commission to issue a timely decision.⁹ In addition, Duke Kentucky advised that it does not object to either of the Sierra Club's requests regarding Ms. Hotaling appearing virtually or that a date certain be established for her participation and would support its request.¹⁰

Having considered the Motion and the particular circumstances of this matter and acknowledging Duke Kentucky's withdrawal of its request for a final Order to be issued on or before June 30, 2025, the unavailability of numerous persons involved in the hearing constitutes good cause to find a new date. Accordingly, the Commission finds Duke Kentucky has established good cause to reschedule the May 28, 2025 hearing date to June 17, 2025 at 9 a.m. Eastern Daylight Time. Duke Kentucky should give notice of this new date in compliance with 807 KAR 5:001 Section 9(2). All remaining portions in the

⁷ Duke Kentucky's Motion at 1.

⁸ Application at 22.

⁹ Duke Kentucky's Motion at 3.

¹⁰ Duke Kentucky's Motion at 4.

April 9, 2025, Order¹¹ setting the hearing on May 28, 2025, not in conflict with this Order should remain in effect.

Additionally, to further accommodate the hearing in this matter, the Commission finds that Ms. Hotaling should be permitted to participate virtually. Commission Staff should coordinate with the Sierra Club to ensure she has the technological capabilities to participate remotely.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion to reschedule the May 28, 2025 hearing in this proceeding is granted.
2. The hearing scheduled for May 28, 2025, shall be canceled.
3. A hearing in this matter shall be held on June 17, 2025, at 9 a.m. Eastern Daylight Time.
4. Duke Kentucky shall provide notice of this hearing in compliance with 807 KAR 5:001, Section 9(2).
5. Sierra Club witness Cheslea Hotaling may appear virtually at an evidentiary hearing in this proceeding.
6. Commission Staff shall coordinate with Sierra Club to ensure technological abilities for a virtual appearance.
7. All provisions of the April 9, 2025 Order not in conflict with this Order shall remain in effect.

¹¹ Order (Ky. PSC Apr. 9, 2025).

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ATTEST:


Executive Director



*Angela M Goad
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Lawrence W Cook
Assistant Attorney General
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Debbie Gates
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Michael West
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Joe F. Childers
Childers & Baxter PLLC
300 Lexington Building, 201 West Sho
Lexington, KY 40507

*Minna Sunderman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*John G Horne, II
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KY 40601-8204

*Rocco O D'Ascenzo
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Kristin Henry
Staff Attorney
Sierra Club Environmental Law Program
2101 Webster Street
Suite 1300
Oakland, CA 94612

*Sarah Lawler
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201

*Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45202

*Larisa Vaysman
Duke Energy Kentucky, Inc.
139 East Fourth Street
Cincinnati, OH 45201