

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF FARMERS	)	
RURAL ELECTRIC COOPERATIVE	)	CASE NO.
CORPORATION FOR GENERAL ADJUSTMENT	)	2025-00107
OF RATES	)	

ORDER

On July 28, 2025, Farmers Rural Electric Cooperative Corporation (Farmers RECC) filed a motion for deviation pursuant to 807 KAR 5:001, Section 22, requesting a deviation from the hearing notice requirements under 807 KAR 5:001, Section 9.<sup>1</sup>

LEGAL STANDARD

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.

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

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<sup>1</sup> Farmers RECC's Motion for Deviation (Motion) (filed July 28, 2025).

## DISCUSSION AND FINDINGS

On July 23, 2025, the Commission entered an Order scheduling a hearing in this matter on September 18, 2025, and ordered Farmers RECC to give notice of the hearing in accordance with 807 KAR 5:007, Section 9(2)(b).<sup>2</sup> On July 28, 2025, Farmers RECC filed their 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. Farmers RECC stated that it has the opportunity to publish notice on the September 18, 2025 hearing in the September issue of *Kentucky Living* magazine.<sup>3</sup> Farmers RECC stated that it had the ability to coordinate with *Kentucky Living* magazine for the September<sup>4</sup> edition to provide a copy to all customers, including the members that normally optout of receiving the magazine.<sup>5</sup> Farmers RECC stated that it expects a significant cost savings for publication in *Kentucky Living* magazine as opposed to the multiple newspapers that serve Farmers RECC's service area.<sup>6</sup> Farmers RECC stated that it would supplement the record at the time of publication with a copy of the notice and publisher's affidavit.<sup>7</sup> Farmers RECC also provided a copy of the notice with the motion.<sup>8</sup>

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<sup>2</sup> Order (Ky. PSC July 23, 2025) at 2.

<sup>3</sup> Motion at 2.

<sup>4</sup> Motion at 2. The motion inadvertently refers to July.

<sup>5</sup> Motion at 2.

<sup>6</sup> Motion at 2.

<sup>7</sup> Motion at 2.

<sup>8</sup> Motion, Attachment A.

Having reviewed the record and being otherwise sufficiently advised, the Commission finds that Farmers RECC's Motion should be granted. Farmers RECC was ordered to file notice of the hearing pursuant to 807 KAR 5:001, Section 9(2)(b).<sup>9</sup> 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 newspaper<sup>10</sup> or by mailing notice to customers.<sup>11</sup> Farmers 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.<sup>12</sup> 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 *Kentucky Living*, utilities "would be required to incur the cost of utilizing newspaper publication or direct mail".<sup>13</sup> Therefore, the Commission finds that Farmers RECC's proposal to save the utility the cost of publication in local newspapers, by publishing notice of the September 18, 2025 hearing in *Kentucky Living* magazine is

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<sup>9</sup> July 23, 2025 Order at 2.

<sup>10</sup> 807 KAR 5:001 Section 9(2)(b)(2).

<sup>11</sup> 807 KAR 5:001 Section 9(2)(b)(3).

<sup>12</sup> 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.

<sup>13</sup> Case No. 2017-00098, *Donald E. Thrasher Complainant v. Salt River Electric Cooperative Corporation Defendant* (Ky. PSC Mar. 21, 2017), Order at 3–4.

“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:

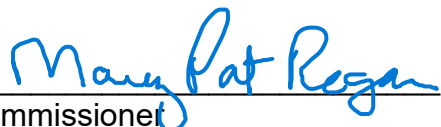
1. Farmers RECC’s Motion is granted.
2. Farmers RECC shall file a notarized affidavit by the publisher of *Kentucky Living* magazine setting forth the facts of the publication of the notice along with a copy of the notice in the record.

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PUBLIC SERVICE COMMISSION

  
Chairman

  
Commissioner

  
Commissioner

ATTEST:

  
Executive Director



Case No. 2025-00107

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