

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY	)	
UTILITIES COMPANY FOR AN ADJUSTMENT OF	)	CASE NO.
ITS ELECTRIC RATES AND APPROVAL OF	)	2025-00113
CERTAIN REGULATORY AND ACCOUNTING	)	
TREATMENTS	)	

ORDER

This matter arises from Kentucky Utilities Company's (KU) motion, pursuant to 807 KAR 5:011, Section 15, to deviate from the customer notice requirements in 807 KAR 5:011, Section 8(2)(b)(3), as it relates to the Abbreviated Notice published in all newspapers of general circulation in KU's service territory.<sup>1</sup>

BACKGROUND

On May 15, 2025, KU delivered the required customer notice to the Kentucky Press Service, Inc. (Kentucky Press), an organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky in which customers affected reside, to be published in accordance with 807 KAR 5:011, Section 8(2)(b)(3).<sup>2</sup> KU stated that it requested, in writing, that Kentucky Press direct each newspaper to publish the customer notice once a week for three consecutive weeks beginning no later than May 30, 2025, with the last publication to occur no later than Friday, June 13, 2025,

---

<sup>1</sup> Motion to Deviate (Motion) (filed July 14, 2025).

<sup>2</sup> Motion at 1.

in all newspapers of general circulation in KU's service territory.<sup>3</sup> KU stated that one (1) newspaper of general circulation, *The Leitchfield Grayson News*, failed to timely publish the third week of notice by June 13, 2025.<sup>4</sup> KU stated that when it contacted Kentucky Press to request an explanation for the failure to publish within KU's requested timeframe, representatives of Kentucky Press explained that *The Leitchfield Grayson News* is published once weekly on Saturdays and, therefore, published Abbreviated Notice for a third time on June 14, 2025.<sup>5</sup>

In its motion, KU argued that although the listed newspaper failed to timely publish the third customer notice by June 13, 2025, two newspapers with the largest circulation in Kentucky, *The Lexington Herald-Leader* and *The Courier-Journal*, timely published the abbreviated notice for three consecutive weeks beginning on May 28, 2025, and May 30, 2025, respectively.<sup>6</sup> KU argued that despite the circumstances noted above, the publications substantially complied with the Commission's customer notice requirement.<sup>7</sup>

#### LEGAL STANDARD

Commission regulation 807 KAR 5:011, Section 8(2)(b)(3), states that if a utility has more than twenty customers, it 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 tariff filing is submitted to the commission. Commission regulation 807 KAR 5:001, Section

---

<sup>3</sup> Motion at 1–2.

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

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

<sup>6</sup> Motion at 3.

<sup>7</sup> Motion at 4.

(17)(2)(b)(3), contains the same requirements, except the first publication is made no later than the date the application is submitted to the commission. Commission regulation 807 KAR 5:001, Section 22, and 807 KAR 5:011, Section 15, permit 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 grants KU's motion for a deviation and finds that KU has provided good cause to deviate from the notice requirements of 807 KAR 5:011, Section 8(2)(b)(3), and 807 KAR 5:001, Section 17(2), pursuant to 807 KAR 5:001, Section 22, and 807 KAR 5:011, Section 15. Although KU requested publication of notice in a timely manner, through no fault of KU, one newspaper published notice late. Furthermore, the notice was published only one date later than the deadline of June 13, 2025. Considering this particular circumstance, the Commission does not believe that any customer would be prejudiced by this one-day delay in notice and further believes that KU has substantially complied with the regulation.

IT IS THEREFORE ORDERED that KU's motion for a deviation from and 807 KAR 5:001, Section 17(2), and 807 KAR 5:011, Section 8(2)(b)(3), for good cause is granted.

PUBLIC SERVICE COMMISSION

Chairman

*Andrew Wood*

Commissioner

*Mary Pat Regan*

Commissioner

ATTEST:

*Linda Bridwell RP*

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

\*Honorable David Edward Spenard  
Strobo Barkley PLLC  
239 South 5th Street  
Ste 917  
Louisville, KY 40202

\*Jody Kyler Cohn  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\*Ashley Wilmes  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

\*Honorable W. Duncan Crosby III  
Attorney at Law  
Stoll Keenon Ogden, PLLC  
2000 PNC Plaza  
500 W Jefferson Street  
Louisville, KY 40202-2828

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

\*Honorable Allyson K Sturgeon  
Vice President and Deputy General Counsel-  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

\*Thomas J FitzGerald  
Counsel & Director  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

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

\*Bethany Baxter  
Childers & Baxter PLLC  
300 Lexington Building, 201 West Sho  
Lexington, KY 40507

\*Gabriel Thatcher  
Attorney Senior  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KY 40507

\*Honorable Kurt J Boehm  
Attorney at Law  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\*Byron Gary  
Kentucky Resources Council, Inc.  
Post Office Box 1070  
Frankfort, KY 40602

\*Hannah Wigger  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DC 20006

\*Kyle J Smith  
General Attorney  
U.S. Army Legal Services Agency  
9275 Gunston Road  
ATTN: JALS-RL/IP  
Fort Belvoir, VA 22060-554

\*Carrie H Grundmann  
Spilman Thomas & Battle, PLLC  
110 Oakwood Drive, Suite 500  
Winston-Salem, NC 27103

\*James B Dupree  
50 Third Ave  
Building 1310- Pike Hall  
Fort Knox, KY 40121

\*Honorable Lindsey W Ingram, III  
Attorney at Law  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KY 40507-1801

\*Honorable David J. Barberie  
Managing Attorney  
Lexington-Fayette Urban County Government  
Department Of Law  
200 East Main Street  
Lexington, KY 40507

\*James W Gardner  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KY 40507

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

\*Matt Partymiller  
President  
Kentucky Solar Industries Association  
1038 Brentwood Court  
Suite B  
Lexington, KY 40511

\*Rebecca C. Price  
Sturgill, Turner, Barker & Moloney  
155 East Main Street  
Lexington, KY 40507

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

\*Randal A. Strobo  
Strobo Barkley PLLC  
239 South 5th Street  
Ste 917  
Louisville, KY 40202

\*Honorable Michael L Kurtz  
Attorney at Law  
Boehm, Kurtz & Lowry  
425 Walnut Street  
Suite 2400  
Cincinnati, OH 45202

\*Steven W Lee  
Spilman Thomas & Battle, PLLC  
1100 Brent Creek Blvd., Suite 101  
Mechanicsburg, PA 17050

\*Nathaniel Shoaff  
Sierra Club  
2101  
Webster St. , Suite 1300  
Oakland, CA 94612

\*Kentucky Utilities Company  
220 W. Main Street  
P. O. Box 32010  
Louisville, KY 40232-2010

\*Paul Werner  
Sheppard Mullin Richter & Hampton LLP  
2099 Pennsylvania Avenue NW, Suite 1  
Washington, DC 20006

\*Sara Judd  
Senior Corporate Attorney  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

\*Rick E Lovekamp  
Manager - Regulatory Affairs  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

\*Toland Lacy  
Office of the Attorney General  
700 Capital Avenue  
Frankfort, KY 40601

\*Robert Conroy  
Vice President, State Regulation and Rates  
LG&E and KU Energy LLC  
220 West Main Street  
Louisville, KY 40202

\*M. Todd Osterloh  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KY 40507