

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

Several motions have been filed in this matter since Louisville Gas & Electric Company (LG&E) and Kentucky Utilities Company (KU) (jointly, LG&E/KU) filed the stipulation in this matter.¹ For efficiency, the Commission address all motions filed since the stipulation in this matter as of October 26, 2025.

On October 20, 2025, Sierra Club filed a motion to excuse its witness, Dr. Jeremy Fisher, from the November 3, 2025 hearing.² As a basis for the motion, Sierra Club argued that in order to avoid the time and expense of having Dr. Fisher travel to the hearing from out of state to testify on the extremely high load factor (EHLF) tariff terms that are addressed in the stipulation and recommendation, Sierra Club asked the Commission to find that good cause exists to excuse Dr. Fisher.³

On October 23, 2025, the United States Department of Defense and all other Federal Executive Agencies (DoD/FEA), requested to excuse DoD/FEA, including its

¹ LG&E/KU's Stipulation and Recommendation (filed Oct. 20, 2025).

² Sierra Club's Motion to Excuse Witness Jeremy Fisher from Testifying at the November 3, 2025 Hearing (Motion) (filed Oct. 20, 2025).

³ Sierra Club's Motion at 2.

authorized representative, Kyle J Smith, local counsel, James B. Dupree, and its witnesses, Michael P. Gorman and Jessica A. York, from attending the November 3, 2025 hearing in the above captioned matter.⁴ As a basis for this motion, DoD/FEA explained that the federal government's fiscal year ended on September 30, 2025, without appropriations for the new fiscal year, resulting in a lapse in funding that has resulted in many federal employees being furloughed until the federal government is funded.⁵ DoD/FEA further explained that furloughed federal employees are prohibited from accessing work equipment or doing any work activities while on furlough status, unless the federal employee is excepted from furlough temporarily or as an exempt employee.⁶

According to the motion, a federal employee that performs any work functions while in furlough status is in violation of the Anti-Deficiency Act, 31 U.S.C. § 1341.⁷ DoD/FEA stated that, absent funding, DoD/FEA's representative, is unable to make travel plans or obligate the federal government to incur any expense in the fiscal year that began on October 1, 2025, pursuant to 31 U.S.C. § 1341.⁸ DoD/FEA's counsel, Kyle Smith, has been furloughed through some of this time and excepted through some of this time, to allow counsel to perform ongoing work obligations.⁹ DoD/FEA stated that no party opposed its motion.¹⁰

⁴ DoD/FEA's Unopposed Late Filed Motion to be Excused from Hearing (Motion) (filed Oct. 23, 2025).

⁵ DoD/FEA's Motion at 2.

⁶ DoD/FEA's Motion at 2.

⁷ DoD/FEA's Motion at 2.

⁸ DoD/FEA's Motion at 2.

⁹ DoD/FEA's Motion at 4.

¹⁰ DoD/FEA's Motion at 3.

DoD/FEA argued that, since DoD/FEA has agreed to resolve its issues pursuant to the terms of the joint stipulation, DoD/FEA will not be advocating for the positions testified to by its witnesses in the pre-filed testimony submitted by DoD/FEA in these matters and it is not anticipated that any party will have questions for any DoD/FEA witness at the hearing in these matters.¹¹ DoD/FEA also requested the Commission to grant it leave to file this motion.¹² DoD/FEA argued it has filed this Motion a reasonable time after the filing of the Companies' motion to file joint stipulation, after conferring with the parties in this proceeding, and without control of or knowledge when the federal government shutdown will end.¹³ DoD/FEA also argued that no party will be prejudiced by the Commission considering this late filed motion.¹⁴

On October 23, 2025, the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General) and Kentucky Industrial Utilities Customers (KIUC) (jointly, Attorney General/KIUC) filed a joint motion requesting that the Commission exclude their witnesses, Lane Kollen, Randy A. Futral, Richard A. Baudino, and Stephen J. Baron from testifying at the November 3, 2025 hearing of this matter.¹⁵ The Attorney General/KIUC explained that the stipulation and recommendation filed into the dockets resolves all issues which the Attorney General/KIUC witnesses addressed in their pre-filed direct testimony and that at the hearing these witnesses will

¹¹ DoD/FEA's Motion at 3.

¹² DoD/FEA's Motion at 3.

¹³ DoD/FEA's Motion at 3.

¹⁴ DoD/FEA's Motion at 3.

¹⁵ Attorney General/KIUC's Joint Motion to Excuse Witnesses; Alternative Motion for Remote Testimony (Joint Motion) (filed Oct. 23, 2025).

not advocate for or recommend any additional changes to the Stipulation and Recommendation.¹⁶ Alternatively, if the Commission should still require hearing testimony, the Attorney General/KIUC requested that the Commission grant their witnesses leave to testify via remote appearance.¹⁷

On October 23, 2025, Kentucky Broadband and Cable Association (KBCA) filed a motion to seek Commission authorization to have its witness, Patricia Kravtin, appear to testify on or after Tuesday, November 4, 2025.¹⁸ KBCA argued that this would enable Kravtin to travel from out of state to Frankfort on the first day of the hearing.¹⁹ KBCA averred that, although the order of intervening parties witnesses for potential cross-examination has not yet been determined, it is extremely unlikely that public comments and the Companies' witnesses could conclude on the first day of the hearing with sufficient time to call intervenors' witnesses to testify.²⁰

Having considered the record and being otherwise sufficiently advised, the Commission finds that Sierra Club's motion should be denied. The Commission expects all intervening witnesses to participate in the proceedings to allow all parties the opportunity to cross-examine these witnesses. However, to avoid the time and expense of having Dr. Fisher travel to the hearing from out of state, the Commission authorizes Dr. Fisher to appear virtually before the Commission.

¹⁶ Attorney General/KIUC's Joint Motion at 1.

¹⁷ Attorney General/KIUC's Joint Motion at 2.

¹⁸ KBCA's Motion Regarding Witness Availability (Motion) (filed Oct. 23, 2025).

¹⁹ KBCA's Motion at 2.

²⁰ Note that Richard A. Baudino was previously granted virtual appearance by Order entered Sept. 2, 2025.

Having considered the record and being otherwise sufficiently advised, the Commission finds that DoD/FEA's motion should be granted for good cause shown. The current government shutdown, which has resulted in the furlough of several government employees is good cause to excuse both DoD/FEA's witnesses and attorneys. DoD/FEA also is granted the option to have any witness or attorney appear virtually in the event the government shutdown ends before the hearing begins. The Commission also grants DoD/FEA's motion for leave to file their motion late, due to the government shutdown.

Having considered the record and being otherwise sufficiently advised, the Commission finds KBCA's motion should be granted for good cause shown. For KBCA, the Commission agrees that the hearing will likely continue until November 4, 2025, and therefore, no party would be prejudiced by allowing KBCA's witness to testify on or after November 4, 2025. KBCA's witness is also authorized to appear virtually.

Having considered the record and being otherwise advised, the Commission finds that the Attorney General/KIUC's motion should be granted, in part and denied, in part. As stated above, the Commission expects all intervening witnesses to participate in the proceedings to allow all parties the opportunity to cross-examine these witnesses. Therefore, while the Commission denies the Attorney General/KIUC's motion to excuse witnesses, the Commission grants Lane Kollen, Randy A. Futral, and Stephen J. Baron the option to testify remotely.

IT IS THEREFORE ORDERED that:

1. Sierra Club's motion is denied.
2. DoD/FEA's motion is granted. Kyle J Smith, James B. Dupree, Michael P. Gorman, and Jessica A. York are excused from the hearing.

3. KBCA's motion is granted. Patricia Kravtin is excused on November 3, 2025, and shall be available to testify on or after November 4, 2025.

4. The Attorney General/KIUC's motion as related to the excusal of witnesses is denied.

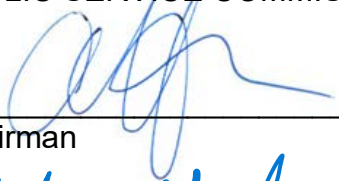
5. The Attorney General's motion for virtual participation is granted.

6. Lane Kollen, Randy A. Futral, Stephen J. Baron, Patricia Kravtin, Jeremy Fisher, Kyle J Smith, James B. Dupree, Michael P. Gorman, and Jessica A. York are authorized to appear remotely.

7. Commission Staff shall contact participants with instructions on participating.

8. Any party whose witness has been authorized to appear remotely shall contact Commission Staff by October 31, 2025, with a list of witnesses expected to appear remotely.

PUBLIC SERVICE COMMISSION


Chairman


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ATTEST:


Executive Director



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