

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF EAST	)	
KENTUCKY POWER COOPERATIVE, INC. FOR A	)	
GENERAL ADJUSTMENT OF RATES, APPROVAL	)	CASE NO.
OF DEPRECIATION STUDY, AMORTIZATION OF	)	2025-00208
CERTAIN REGULATORY ASSETS, AND OTHER	)	
GENERAL RELIEF	)	

ORDER

On October 31, 2025, East Kentucky Power Cooperative, Inc. (EKPC) 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.

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, Hearings and Rehearings contains, in part, instructions on the notice required for hearings.

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.

MOTION

On October 8, 2025, the Commission entered an Order scheduling a hearing in this matter on December 8, 2025, and ordered EKPC to give notice of the hearing in accordance with 807 KAR 5:007, Section 9(2)(b).¹ On October 31, 2025, EKPC 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.² EKPC stated that it has the opportunity to publish notice on the December 8, 2025 hearing in the December issue of *Kentucky Living* magazine.³ EKPC stated that the December issue of *Kentucky Living* magazine would be mailed to members on or about November 26, 2025.⁴ EKPC stated that it expects a significant cost savings for publication in *Kentucky Living* magazine as opposed to the multiple newspapers that serve EKPC's service area.⁵ EKPC stated that it would supplement the record at the time of publication with a copy of the notice and publisher's affidavit.⁶ EKPC also provided a copy of the notice with the motion.⁷

FINDINGS

Having reviewed the record and being otherwise sufficiently advised, the Commission finds that EKPC's motion for deviation should be denied. EKPC was ordered

¹ Order (Ky. PSC Oct. 8, 2025).

² EKPC's Motion for Deviation (filed Oct. 8, 2025) at 1.

³ EKPC's Motion for Deviation at 2.

⁴ EKPC's Motion for Deviation at 2.

⁵ EKPC's Motion for Deviation at 2.

⁶ EKPC's Motion for Deviation at 2.

⁷ EKPC's Motion for Deviation, Attachment A.

to file notice of the hearing pursuant to 807 KAR 5:001, Section 9(2)(b).⁸ Commission 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 newspaper⁹ or by mailing notice to customers.¹⁰ EKPC seeks to provide notice by mail in the *Kentucky Living* magazine as it would provide cost savings to the utility. The Commission has historically granted these motions in previous cases provided the timeframe provided in 807 KAR 5:001, Section 9(2)(b)(3), was met.¹¹ In this case, EKPC stated that the notice would be mailed on or about November 26, 2025, for the December 8, 2025 hearing. This 13-day period prior to the hearing date does not meet the requirements of 807 KAR 5:001, Section 9(2)(b)(3).¹² The Commission finds that 807 KAR 5:001, Section 9(2)(b)(3), is the applicable section of the regulation when notice is mailed to customers. Therefore, the Commission finds that EKPC's motion for deviation should be denied.

IT IS THEREFORE ORDERED that EKPC's motion for deviation is denied.

⁸ Order (Ky. PSC Oct. 8, 2025) at 1.

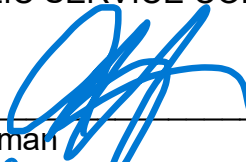
⁹ 807 KAR 5:001, Section 9(2)(b)(2).

¹⁰ 807 KAR 5:001, Section 9(2)(b)(3).

¹¹ Case No. 2024-0085, *Electronic Application of Jackson Purchase Energy Corporation for a General Adjustment of Rates and Other General Relief* (Ky. PSC Oct. 21, 2024) at 3 and Case No 2024-00402, *Electronic Application of South Kentucky Rural Electric Cooperative Corporation for a General Adjustment of Rates and Other General Relief*, (Ky. PSC Jun. 4, 2025) at 4.

¹² The regulation states in relevant part "no less than 14 days".

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director





*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

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

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

*Meredith L. Cave
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

*Greg Cecil
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

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

*Heather Temple
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

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

*Jacob Watson
East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

*East Kentucky Power Cooperative, Inc.
4775 Lexington Road
P. O. Box 707
Winchester, KY 40392-0707

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

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

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