

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY)	
KENTUCKY, INC. FOR AN ADJUSTMENT TO)	CASE NO.
RIDER NM II RATES AND FOR TARIFF)	2025-00258
APPROVAL)	

ORDER

This matter arises from a motion filed by Duke Energy Kentucky, Inc. (Duke Kentucky), 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 first publication of customer notice in newspapers of general circulation in Duke Kentucky's service territory.¹

BACKGROUND

On July 28, 2025, Duke Kentucky contacted the Kentucky Press Service, Inc. (Kentucky Press), an organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky to schedule publication of the customer notice as required by 807 KAR 5:011, Section 8(2)(b)(3).² Duke Kentucky stated that it requested that the Kentucky Press direct each newspaper to publish the customer notice once a week for three consecutive weeks, beginning no later than August 4, 2025.³ Duke Kentucky stated Kentucky Press was unable to complete the required first publication by

¹ Duke Kentucky's Motion to Deviate (Motion) (filed Aug. 4, 2025).

² Motion at 2.

³ Motion at 2.

August 4, 2025 in the *Falmouth Outlook*, the *Grant County News*, *LINK nky*, and the *Warsaw Gallatin County News* due to the weekly publication schedule of each newspaper, and therefore, Duke Kentucky requested a deviation for the notice published in each newspaper.⁴ Duke Kentucky stated that the *Kentucky Enquirer*, published notice timely and is generally circulated in the areas of the newspapers that were unable to meet the August 4, 2025 publication deadline.⁵ Duke Kentucky explained that the first customer notice will be published as follows: *Falmouth Outlook* on August 5, 2025; the *Grant County News* on August 7, 2025; *Link nky* on August 8, 2025; and *Warsaw Gallatin County News* on August 6, 2025.⁶

MOTION

In its motion, Duke Kentucky argued that it made a good faith effort to publish the customer notice in accordance with 807 KAR 5:011, Section 8(2)(b)(3).⁷ Duke Kentucky argued that, historically, an approximate week turn around has provided sufficient notice for newspapers to meet the requested publication timeline to align with the filing of the its application.⁸ Duke Kentucky stated that, although the *Falmouth Outlook*, the *Grant County News*, *Link nky* and the *Warsaw Gallatin County News* failed to timely publish the first customer notice by August 4, 2025, the notice was published in each newspaper within the same week as the application was filed.⁹ Finally, Duke Kentucky argued that

⁴ Motion at 3.

⁵ Motion at 3-4.

⁶ Motion at 3.

⁷ Motion at 2.

⁸ Motion at 2.

⁹ Motion at 3.

it substantially complied with 807 KAR 5:011, Section 8(2)(b)(3), because the *Kentucky Enquirer* timely published notice and was circulated in Duke Kentucky's service area.¹⁰

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 5:011, Section 15 permits 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 Duke Kentucky's motion for deviation and finds that Duke Kentucky has provided good cause to deviate from the notice requirements of 807 KAR 5:011, Section 8(2)(b)(3), pursuant to 807 KAR 5:011, Section 15. The Commission does not find that, in this particular instance, any customer would be prejudiced by a four-day delay in notice and, while not dispositive, further finds that Duke Kentucky has substantially complied with the regulation. However, in the future, the Commission encourages Duke Kentucky to request publication from Kentucky Press of customer notice more than one week in advance of the deadline for publication. The Commission cautions Duke Kentucky that the Commission may not grant future deviations, if Duke Kentucky fails to account for the weekly publication schedule of each newspaper when submitting its publication request to Kentucky Press.


¹⁰ Motion at 3-4.


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

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PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



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