

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF DUKE ENERGY	)	CASE NO.
KENTUCKY, INC. TO AMEND ITS DEMAND SIDE	)	2025-00272
MANAGEMENT PROGRAMS	)	

ORDER

On February 3, 2026, Duke Energy Kentucky, Inc. (Duke Kentucky), filed a petition, pursuant to KRS 278.400, requesting reconsideration of the final Order entered January 14, 2026, regarding the temporary approval of the Energy Efficiency in Education Program (EEE Program).

LEGAL STANDARD

KRS 278.400, which establishes the standard of review for motions for rehearing, limits rehearing to new evidence not readily discoverable at the time of the original hearings, to correct any material errors or omissions, or to correct findings that are unreasonable or unlawful. A Commission Order is deemed unreasonable only when “the evidence presented leaves no room for difference of opinion among reasonable minds.”<sup>1</sup> An order can only be unlawful if it violates a state or federal statute or constitutional provision.<sup>2</sup>

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<sup>1</sup> *Energy Regulatory Comm’n v. Kentucky Power Co.*, 605 S.W.2d 46 (Ky. App. 1980).

<sup>2</sup> *Public Service Comm’n v. Conway*, 324 S.W.3d 373, 377 (Ky. 2010); *Public Service Comm’n v. Jackson County Rural Elec. Coop. Corp.*, 50 S.W.3d 764, 766 (Ky. App. 2000); *National Southwire Aluminum Co. v. Big Rivers Elec. Corp.*, 785 S.W.2d 503, 509 (Ky. App. 1990).

By limiting rehearing to correct material errors or omissions, and findings that are unreasonable or unlawful, or to weigh new evidence not readily discoverable at the time of the original hearings, KRS 278.400 is intended to provide closure to Commission proceedings. Rehearing does not present parties with the opportunity to relitigate a matter fully addressed in the original Order.

### BACKGROUND

On August 15, 2025, Duke Energy Kentucky filed its application in this case, requesting approval to modify its Demand-Side Management (DSM) programs.<sup>3</sup> Within its application, among other things, Duke Kentucky requested to implement the EEE Program.<sup>4</sup> On January 14, 2026, the Commission issued a final Order approving the EEE Program on a temporary basis, until August 15, 2026.<sup>5</sup>

Duke Kentucky stated that to permit the EEE Program to run for long enough to provide the Commission with sufficient data to reassess the EEE Program, that the Commission should extend the temporary approval until June 30, 2028.<sup>6</sup> Additionally, Duke Kentucky argued that the ordered August 15, 2026, timeframe would be exacerbated by the program's operational reliance on schools being in session, asserting that the program would essentially not be operational for the final two months of the authorized program period.<sup>7</sup> Duke Kentucky stated that extending program approval to

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<sup>3</sup> Application at 1.

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

<sup>5</sup> Order (Ky. PSC Jan. 14, 2026) at 10.

<sup>6</sup> Duke Kentucky's Petition for Rehearing (filed Feb. 3, 2026) (Duke Kentucky Rehearing Petition) at 3.

<sup>7</sup> Duke Kentucky's Rehearing Petition at 4.

June 30, 2028, will provide the Commission with an entire school year's worth of participation levels and robust data to assess cost effectiveness.<sup>8</sup>

Duke Kentucky requested that the Commission make its decision on whether to continue the EEE Program on the basis of data submitted with Duke Kentucky's August 15, 2027 program extension request and the November 1, 2027 annual DSM true-up filings, rather than on the basis of data submitted with the Company's August 15, 2026 DSM filing.<sup>9</sup>

### DISCUSSION AND FINDINGS

The Commission agrees that the original date of August 15, 2026, would limit the data available for the Commission to reassess the effectiveness of the EEE Program. The Commission finds that rehearing should be granted on the extension of temporary approval of the EEE Program until June 30, 2028, as requested by Duke Kentucky. The Commission finds that Duke Kentucky should also continue the EEE Program on the basis of data submitted within Duke Kentucky's scheduled DSM filings. The Commission further finds that the reevaluation of approval for the EEE Program will be deferred to Duke Kentucky's August 15, 2028 DSM filing.

IT IS THEREFORE ORDERED that:

1. Duke Kentucky's motion for reconsideration is granted.
2. Duke Kentucky's motion for reconsideration regarding the Energy Efficiency in Education Program's temporary approval to be extended up to June 30, 2028, is granted.

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<sup>8</sup> Duke Kentucky Rehearing Petition at 4.

<sup>9</sup> Duke Kentucky Rehearing Petition at 5.

3. The Energy Efficiency in Education program shall be reevaluated for approval in Duke Kentucky's August 15, 2028 annual DSM filing, and to be accounted for in its November 1, 2028 annual DSM true-up filing.

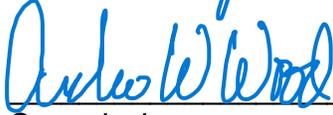
4. The remainder of the January 14, 2026 Order not in conflict with this Order remains in effect.

5. This case is closed and removed from the Commission's docket.

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PUBLIC SERVICE COMMISSION

  
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Chairman

  
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Commissioner

  
\_\_\_\_\_  
Commissioner

ATTEST:

  
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Executive Director



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