



Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet

Commonwealth of Kentucky
Public Service Commission
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Angie Hatton
Chair

Mary Pat Regan
Commissioner

Andrew W. Wood
Commissioner

January 23, 2026

To: All Parties

Subject: Commission Response to Emergency Declaration 2026-047

Beginning on January 24, 2026, and continuing, a severe winter storm will impact the Commonwealth of Kentucky. KRS 367.4917 (6) provides that the Commission shall have statewide authority to enforce and assess civil penalties provided for in this section and to seek injunctive relief for any violation that results in damage to an underground facility used to transport gas or hazardous liquid subject to the federal pipeline safety laws, 49 U.S.C. secs. 60101 et seq.

Pursuant to Executive Order 2026-047, there exists a state of emergency in Kentucky beginning on January 24, 2026, resulting from "a severe winter storm containing heavy snow with significant accumulations, freezing rain, ice, sleet, and arctic temperatures [that] will impact the Commonwealth, creating dangerous travel and road conditions, and damage to public infrastructure, utility distribution systems, and private properties; and these conditions will endanger public health and safety and/or public and private property; and state and local governments share responsibility for protection of public health, safety, and security as well as for the protection of public and private property and for taking appropriate actions to ensure the provisions of essential public services."

In response to Executive Order 2026-047, the Commission notes that the conditions created from the severe weather meet the definition of emergency under KRS 367.4903(7) that allow the utility to provide response before procedures required under KRS 367.4909 to 367.4913 can be completed. Additionally, the conditions meet the criteria of extraordinary circumstances under KRS 367.4909(11), which temporarily relieves the operator of the requirement to respond to facility locate requests until the operator can recover from the extraordinary circumstances.

The Commission believes that good cause may exist to allow for waivers of penalties for violation of procedures required under KRS 367.4909 to 367.4913 for operators and excavators providing a good faith response to the aforementioned severe weather through February 23, 2026. Such operators and excavators should note, when notifying the Commission of any violation or responding to Commission inquiries, that the violations occurred in response to the severe weather in the areas during the time period discussed in this letter.

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Sincerely,



Angie Hatton
Chair, Public Service Commission

Attachment



ANDY BESHEAR
GOVERNOR

EXECUTIVE ORDER

Secretary of State
Frankfort
Kentucky

2026-047
January 23, 2026

STATE OF EMERGENCY

Beginning on January 24, 2026, and continuing, a severe winter storm containing heavy snow with significant accumulations, freezing rain, ice, sleet, and arctic temperatures will impact the Commonwealth, creating dangerous travel and road conditions, and damage to public infrastructure, utility distribution systems, and private properties; and

These conditions will endanger public health and safety and/or public and private property; and

State and local governments share responsibility for protection of public health, safety, and security as well as for the protection of public and private property and for taking appropriate actions to ensure the provision of essential public services;

NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky, by virtue of the authority vested in me by the Kentucky Constitution and KRS Chapter 39A, do hereby declare a State of Emergency exists in the Commonwealth of Kentucky and do hereby ORDER and DIRECT that:

1. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan and, from the Kentucky Emergency Operations Center, shall coordinate the response and relief activities of all state agencies and private relief organizations in response to this emergency.
2. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services and to prevent undue loss and suffering.
3. All state agencies shall coordinate any and all public and emergency information and/or activities/releases related to this emergency and the response efforts of state agencies with the Division of Emergency Management.
4. All state agencies shall provide sufficient personnel required for the staffing of the Kentucky Emergency Operations Center or other command, control, and coordination points as may be designated by the Division of Emergency Management's Director and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration and recovery of essential public services.
5. The Finance and Administration Cabinet is directed to provide assistance with incident/disaster resource management, procurements and contracting and to fund the urgent operational and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are incurred in response to and recovery from this emergency incident and in executing the provisions of this Executive Order.
6. The Division of Emergency Management is authorized to request assistance, federal, state, local, private sector, volunteer, and donated resources as may be available to minimize human suffering and to restore essential services to the



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general population and to assist state and local governments and individuals impacted by this emergency.

7. The Division of Emergency Management shall consult with the American National Red Cross and local officials to determine the need for emergency shelters for displaced families and shall coordinate with local government, school boards, and other organizations to determine the availability of schools and other facilities to be used as shelters during this emergency.
8. Transportation on and access to any and all public roadways in the affected area may be restricted or prohibited in the interest of public health and safety.

This Order shall be effective January 23, 2026.

A handwritten signature in blue ink that reads "Andy Beshear".

ANDY BESHEAR, Governor
Commonwealth of Kentucky

MICHAEL G. ADAMS
Secretary of State