

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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AUG 5 2014

PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF AIRVIEW UTILITIES, LLC FOR )	
RATE ADJUSTMENT FOR SMALL UTILITIES )	CASE NO.
PURSUANT TO 807 KAR 5:076 )	2014-00215

ORDER

On June 30, 2014, Airview Utilities, LLC ("Airview") tendered for filing its application for a rate adjustment pursuant to 807 KAR 5:076. Airview requests a deviation from 807 KAR 5:076, Section 4(1)(d), which requires the utility to file a depreciation schedule of all utility plant in service with the rate adjustment application.

In support of its request for a deviation, Airview states that it is not requesting any depreciation expense on historical plant in this case. Airview's current owners were not given a fixed asset schedule to support a depreciation expense when they acquired Airview. As a further basis, Airview states that, pursuant to Annual Reports on file with the Commission, the historical plant has been 100 percent contributed.

As an initial matter, the Commission finds that Airview's application is deficient and cannot be accepted for filing. Pursuant to 807 KAR 5:076 Section 4(1)(h), the applicant must provide a completed Statement of Disclosure of Related Party Transactions, ARF Form-3, for each person who has an ownership interest of 10 percent or more in the utility, members of the utility's board of directors, and the utility's chief executive officer. Airview is a Kentucky Limited Liability Company consisting of

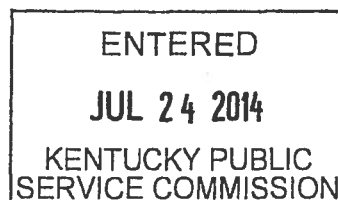
two members, Lawrence Smither and Martin G. Cogan.<sup>1</sup> Airview filed an ARF Form-3 for Mr. Smither, but failed to file an ARF Form-3 for Mr. Cogan. The Commission further finds that Airview should be granted ten days from the date of this Order to file an ARF Form-3 for Martin G. Cogan. The application will not be deemed filed and the statutory time period in which the Commission must process this case will not commence until the ARF Form-3 for Mr. Cogan is filed with the Commission.

Having considered the request for deviation, the Commission finds that Airview has shown good cause and that the request for deviation from 807 KAR 5:076, Section 4(1)(d), should be granted.

IT IS THEREFORE ORDERED that:

1. The petition of Airview is rejected for filing.
2. Within ten days of the date of this Order, Airview shall file a completed Statement of Disclosure of Related Party Transactions, ARF Form-3, for Martin G. Cogan.
3. Airview's request for a deviation from 807 KAR 5:076, Section 4(1)(d), is granted.

By the Commission



ATTEST:

  
\_\_\_\_\_  
Executive Director

<sup>1</sup> Airview Utilities, LLC, Annual Report (Ky. Sec. of State Jan. 27, 2014) <https://app.sos.ky.gov/corpscans/25/0603025-06-99998-20140127-ARP-5696604-PU.pdf>.

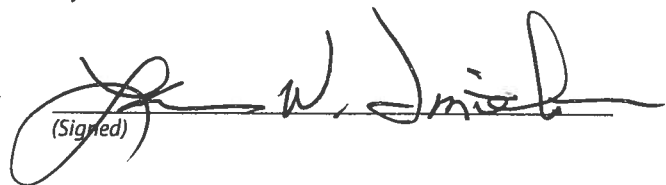
**STATEMENT OF DISCLOSURE OF RELATED PARTY TRANSACTIONS**

I swear or affirm to the best of my knowledge and belief the information set forth below represents all present transactions and those transactions occurring within the past twenty-four (24) months between AIRVIEW UTILITIES LLC ("Utility") and related parties that exceed \$25.00 in value. For the purpose of this statement, "related party transactions" include, all transactions and payments in excess of \$25.00, except regular salary, wages and benefits, made directly to or on behalf of: 1) the Utility's current or former employees; 2) current or former members of the Utility's board of commissioners or board of directors; 3) persons who have a 10 percent or greater ownership interest in the Utility; 4) family members\* of any current Utility employee, director, commissioner or person with a 10 percent or greater ownership interest in the Utility or 5) a business enterprise in which any current or former Utility employee, director, commissioner or person with a 10 percent or greater ownership interest in the Utility or a family member of such person has an ownership interest.

Name of Related Party (Individual or Business)	Type of Service Provided By Related Party	Amount of Compensation
<u>MARTIN G. COGAN</u>		<u>0</u>

- Check this box if the Utility has no related party transactions.
- Check box if additional transactions are listed on the supplemental page.
- Check box if any employee of the Utility is a family member of the Utility's chief executive officer, a Utility commissioner, or any person with a 10 percent or greater ownership interest in the Utility. The name of each employee and the official to whom they are related and the nature of the relationship are listed on the supplemental page entitled "Employees Related to Utility Officials."

LAWRENCE W. SMITH  
(Print Name)

  
(Signed)

MEMBER  
(Position/Office)

\* "Family Member" means any person who is the spouse, parent, sibling, child, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, or grandchild of any current Utility employee, director, commissioner or person with a 10 percent or greater ownership interest in the Utility; or is a dependent for tax purposes of any Utility employee, director, commissioner or person with a 10 percent or greater ownership interest in the Utility or his or her spouse; or who is a member of the household of any Utility employee, director, commissioner or person with a 10 percent or greater ownership interest in the Utility.

COMMONWEALTH OF KENTUCKY

COUNTY OF Jefferson

Subscribed and sworn to before me by Beth W. Oppel  
(Name)

this 31<sup>st</sup> day of July, 2014.

Beth W. Oppel  
NOTARY PUBLIC  
State-at-Large

**BETH OPPEL**  
Notary Public  
State at Large  
Kentucky  
My Commission Expires Jan. 7, 2017