

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF MOUNTAIN WATER DISTRICT)	CASE NO.
FOR MODIFICATION OF ORDER IN CASE NO.)	2016-00062
2014-00342)	

ORDER

This matter arises upon the motion of the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), filed February 9, 2016, pursuant to KRS 367.150(8), for full intervention. Such intervention is authorized by statute. The Commission finds that the Attorney General’s request for intervention should be granted.

In addition to requesting intervention, the Attorney General’s pleading filed on February 9, 2016, included an objection to the petition by Mountain Water District (“Mountain District”) for a modification of an Order in Case No. 2014-00342 that, among other things, required Mountain District to issue a request for proposal (“RFP”) to solicit bids from firms interested in providing managerial and operational services to Mountain District.¹ The Attorney General states that Mountain District’s request is barred by the doctrine of *res judicata*, and that there has been no evidence submitted justifying the

¹ Case No. 2014-00342, *Application of Mountain Water District for an Adjustment of Water and Sewer Rates* (Ky. PSC Oct. 9, 2015).

elimination of the RFP requirements that result from our Order in Case No. 2014-00342.² The Attorney General requests that the Commission deny Mountain District's petition for modification.³

On February 11, 2016, the Commission, upon finding that the current record is inadequate and that further proceedings are necessary, entered an Order requiring Mountain District to respond to a request for information attached as an Appendix to that Order.⁴ The Commission also incorporated the record from Case No. 2014-00342, including the Post Case Referenced Correspondence file for that case, by reference into the record of the instant case.⁵

The Commission finds that the record in this case remains inadequate and that it should defer a ruling upon the Attorney General's objection and motion to dismiss. We find that that Mountain District has been ordered to file responses to a Commission request for information and that the Attorney General should be afforded an opportunity to serve a request for information to Mountain District. Accordingly, we establish a procedural schedule that permits the Attorney General to request information from Mountain District.

The Commission HEREBY ORDERS that:

1. The motion of the Attorney General to intervene is granted.

² Attorney General's Motion to Intervene and Objection to Mountain Water District's Request for Modification of Case No. 2014-00342 Order (filed Feb. 9, 2016) at 2-7.

³ *Id.*

⁴ Order (Ky. PSC Feb. 11, 2016) at 6.

⁵ *Id.*

2. The Attorney General shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. The Attorney General shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Sections 6 and 7, related to the service and filing of documents.

4. The Attorney General shall serve any request for information to Mountain District no later than seven days from the date of this Order.

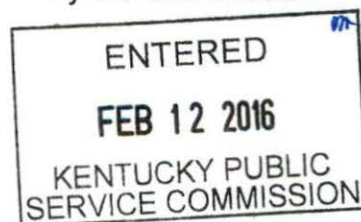
5. Mountain District shall file with the Commission and serve upon all parties of record its responses to the Attorney General's request for information no later than 21 days from the date of this Order.

6. Mountain District's responses to the Attorney General's request shall comply with ordering paragraph 3 of the February 11, 2016 Order.

7. All provisions of the February 11, 2016 Order that are not in conflict with the terms of this Order shall remain in effect.

8. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission



ATTEST:


Executive Director

*Angela M Goad
Assistant Attorney General
Office of the Attorney General Utility & Rate
1024 Capital Center Drive
Suite 200
Frankfort, KENTUCKY 40601-8204

*Daniel P Stratton
Stratton Law Firm PSC
P.O. Box 1530
Pikeville, KENTUCKY 41502

*Honorable John N Hughes
Attorney at Law
124 West Todd Street
Frankfort, KENTUCKY 40601

*Mountain Water District
6332 Zebulon Highway
P. O. Box 3157
Pikeville, KY 41502-3157