

1 **807 KAR 5:011. Tariffs.**

2 RELATES TO: KRS Chapter 278

3 STATUTORY AUTHORITY: KRS 278.160(1)

4 NECESSITY, FUNCTION, AND CONFORMITY: KRS 278.160(1) provides that the

5 commission shall prescribe rules under which each utility shall file schedules showing all

6 rates and conditions established by it and collected or enforced.

1 **Section 1. Definitions.** For purposes of this administrative regulation:

2 [~~“Commission” means the Public Service Commission.~~]

3 (1) “Commission” is defined by KRS 278.010(15).

4 (2) “Date of Issue” means the date the tariff is signed by the representative of the
5 utility authorized to issue tariffs.

6 (3) “Rate” is defined by KRS 278.010(12).

7 (4) “Signature” means an original signature or an electronic signature as defined by
8 KRS 369.102(8).

9 (5) “Statutory Notice” means notice made in accordance with KRS 278.180.

10 (6) “Tariff” means a collection of rate schedules and terms of conditions for use of
11 utility service over which the Commission has jurisdiction.

12 (7) “Utility” is defined by KRS 278.010(3).

13 (8) “Utility’s Office or Place of Business” means a location at which the utility regularly
14 employs and stations one (1) or more employees and is open to the public for the
15 payment of bills.

1 **Section 2. General.** (1) A utility ~~[All utilities]~~ under the jurisdiction of the Commission shall
2 file with the Commission ~~[secretary two (2)]~~ a cover letter[s] and a ~~[four (4)]~~ complete copy
3 ~~[copies]~~ of a tariff containing schedules of all its rates, charges, tolls and maps or plats of
4 the area in which it offers service and all its rules and administrative regulations. ~~[and]~~

5 (2) [if] A[a] utility furnishing ing[es] more than one (1) kind of service (water and electricity
6 for example), shall file a separate tariff ~~[must be filed]~~ for each kind of service. ~~[For the~~
7 ~~purpose of the commission's rules and administrative regulations, the utility's office or~~
8 ~~place of business shall be deemed a location at which the utility regularly employs and~~
9 ~~stations one (1) or more employees and is open to the public.]~~

10 (3) A utility shall make available ~~[keep]~~ a paper or electronic copy of this ~~[said]~~ tariff
11 for ~~[open to]~~ public inspection in ~~[its]~~ the utility's office or place of business. ~~[offices and~~
12 ~~places of business, as required by KRS 278.160, in substantially the form and manner~~
13 ~~hereinafter set out.]~~

14 (4) A utility that operates a public web site for its utility operations shall also make
15 available on that web site for public viewing and downloading a copy of its tariff for each

1 kind of service that it provides or shall place a link to the Commission's web site where

2 the Commission has posted that tariff.

3 (5) All tariff filings on and after January 1, 2013 shall be filed using the Commission's

4 electronic tariff filing system.

1 **Section 3. Format for Filing Tariffs** [~~Form and Size of Tariffs~~]. (1) All tariffs filed with the
2 Commission on and after the effective date of this regulation shall conform to the
3 following requirements: [~~All tariffs must be printed from type not smaller than six (6) point~~
4 ~~or typewritten, mimeographed or produced by similar process, on hard calendared paper~~
5 ~~of good quality.~~]

6 (a) Form. Tariff pages shall be printed or typewritten.

7 (b) Size. Tariff pages shall be eight and one-half (8 ½) by eleven (11) inches in size.

8 (c) Font. Tariff pages shall be in type no smaller than ten (10) point, except headers
9 and footers which may be in type no smaller than eight (8) point.

10 [~~(2) The pages of a tariff shall be eight and one-half (8 1/2) by eleven (11) inches in~~
11 ~~size.~~]

12 [~~(3) Utilities shall publish tariffs in loose-leaf form using one (1) side of the paper only,~~
13 ~~with not more than one (1) schedule to the page.~~]

14 (2) [~~(4)~~] The front cover page of a tariff shall contain [~~the following~~]:

15 (a) Utility name, mailing address, [~~Name of the utility and~~] physical location of its
16 principal office, if different from mailing address, and electronic mail address.

- 1 (b) Statement of kind of service offered.
- 2 (c) General statement of territory served.
- 3 (d) Date of issue and date on which tariff is to become effective.
- 4 (e) Signature of the representative [~~officer~~] of the utility authorized to issue tariffs.
- 5 (f) The commission number of the tariff [~~Identifying designation~~] in the upper right-
- 6 hand corner [~~as required by Section 5 of this administrative regulation~~]. Subsequent
- 7 tariffs filed pursuant to Section 6 or 9 of this administrative regulation shall continue this
- 8 designation in consecutive numerical order. Any subsequent tariff shall also show the
- 9 commission number of the tariff cancelled, changed or modified by it.
- 10 (3)[(~~5~~)] The remaining [~~second and succeeding~~] pages of the utility's tariff shall
- 11 contain:
- 12 (a) All [~~the~~] rules and administrative regulations of the utility, including any and all
- 13 conditions of service.
- 14 (b) All [~~Rate~~] schedules showing any [~~all~~] rate[s] or [~~and~~] charge[s] assessed and/or
- 15 collected by the utility. [~~for the several classes of service.~~]
- 16 (c) Additional information as set forth below:

1 1. The header of each tariff sheet shall include the area served, the commission tariff
2 number, the tariff sheet number, the cancelled commission tariff number, when
3 applicable, and the cancelled tariff sheet number, when applicable. Sheet numbers shall
4 designate the specific version of the individual tariff sheet, such as "Original Sheet No. 1,"
5 "Original Sheet No. 2," etc. In the case of a change or revision on a sheet, the further
6 designation shall be "First Revised Sheet No. 1," "Cancelling Original Sheet No. 1," etc.

7 2. Each tariff sheet shall also include the date of issue, date effective, signature of the
8 utility representative authorized to issue tariffs, and the signatory's title or position. When
9 applicable, each tariff sheet shall state that it is "Issued by authority of an Order of the
10 Public Service Commission in Case No. _____ Dated _____, 20_____.

11 ~~[(c) Signature of the officer of the utility authorized to issue tariffs.]~~

12 ~~[(d) Date of issue and date tariff is to become effective.]~~

13 ~~[(e) Identifying designation in upper right-hand corner as required by Section 5 of this~~
14 ~~administrative regulation.]~~

1 (4) Subsequent tariffs filed pursuant to Section 6 or 9 of this administrative regulation
2 shall continue to designate tariff sheets in the stated consecutive numerical order method,
3 and shall show the commission number of the tariff cancelled, changed, or modified.

4 ~~[(6) In that portion of the tariff dealing with rates, the desired information shall be~~
5 ~~shown under the following captions in the order listed:~~

6 ~~(a) Applicable: show territory covered by tariff.~~

7 ~~(b) Availability of service: show classes of customers affected, such as domestic,~~
8 ~~commercial, etc.~~

9 ~~(c) Rates: list all rates covered by tariff.~~

10 ~~(d) Minimum charge: state amount of charge and quantity allowed.~~

11 ~~(e) Delayed payment charge: state if penalty or discount.~~

12 ~~(f) Term: if contracts are made for certain periods, give length of term.~~

13 ~~(g) Special rules: if any special rules and administrative regulations are in effect~~
14 ~~covering this tariff, list same hereunder.]~~

15 (5) Each tariff sheet shall leave a blank space in the bottom right corner that
16 measures at least three and one-half (3½) inches from the right of the tariff sheet by two

1 and one-half (2½) inches from the bottom of the tariff sheet to allow space for the

2 commission to affix its stamp.

3 (6)~~(7)~~ The ~~[secretary of the]~~ Commission shall make available ~~[will furnish]~~ standard

4 tariff forms ~~[of tariffs]~~ for downloading at its web site ~~[on request]~~.

1 **Section 4. Contents of Schedules.** (1) ~~In~~ ~~[Each rate schedule in]~~ addition to a clear
2 statement of all rates, each rate schedule shall ~~[thereunder must]~~ state the city, town,
3 village or district in which rates are applicable. ~~If a schedule is~~ ~~[: provided, however, that~~
4 ~~schedules]~~ applicable in a large number of communities, it shall ~~[must]~~ be accompanied
5 by an accurate index by which each community in which the rates are applicable may be
6 readily ascertained. A utility may indicate the ~~[, in which case the]~~ applicability of a
7 schedule ~~[may be indicated]~~ by reference to the index sheet. (Example: Applicable within
8 the corporate limits of the City of _____, or see Tariff Sheet No. 2B for applicability.)

9 (2) In the portion of the tariff dealing with rates, the appropriate information shall be
10 shown under the following captions in the order listed:

11 (a) Applicable: show territory covered by tariff.

12 (b) Availability of service: show classes of customers affected, such as domestic,
13 commercial, etc.

14 (c) Rates: list all rates covered by tariff.

15 (d) Minimum charge: state amount of charge, quantity allowed, and if it is subject to a
16 late payment charge.

1 (e) Late payment charge: state amount.

2 (f) Term: if contracts are made for certain periods, give length of term.

3 (g) Special rules: list any special rules and administrative regulations that are in effect
4 covering this tariff.

5 ~~(3)~~⁽²⁾ Each rate schedule shall ~~[must]~~ state that class of service available under the
6 stated rates ~~[stated therein]~~. (Example: Available for domestic lighting, or available for all
7 purposes, etc.)

8 ~~(4)~~⁽³⁾ For a tariff in which a number of rate schedules are shown available for
9 various uses, each rate schedule shall be identified by a number or by a group of letters,
10 and if by a group of letters, the designation shall be indicative of the class of service for
11 which the rate schedule is available. (Example: Schedule No. 1 or Tariff D.U.R. indicating
12 that the rate schedule states domestic utility rates.)

13 (5) If required by its size and contents, a tariff may be further divided into sections.

14 ~~[4(a) Each page of the tariff shall bear the Commission Number of the tariff, the date~~
15 ~~issued and effective, the signature of the issuing officer, and in the upper right-hand~~
16 ~~corner, a further designation, such as "Original Sheet No. 1," "Original Sheet No. 2," etc.]~~

1 ~~[(b) In the case of a change in the text of any page as hereinafter provided the further~~
2 ~~designation shall be "First Revised Sheet No. 1, cancelling Original Sheet No. 1," etc.]~~

3 ~~[(c) Tariffs may be further divided into sections, and so designated if required by their~~
4 ~~size and contents.]~~

5 ~~[(5) All schedules shall state whether a minimum charge is made, and if so, they shall~~
6 ~~set out all such charges, and further state whether such minimum charge is subject to~~
7 ~~prompt payment discount or delayed payment penalty.]~~

8

9

1 **Section 5. Information for Filing Tariffs Electronically.** (1) All tariff filings with the
2 commission shall be made using the commission's electronic tariff filing system accessed
3 on the commission's homepage found at <http://psc.ky.gov>.

4 (2) All tariff filings shall conform to the following requirements:

5 (a) All documents shall be submitted in a portable document format ("PDF") and be
6 capable of viewing with Adobe Acrobat Reader.

7 (b) All documents shall be search-capable and shall be optimized for viewing over the
8 internet.

9 (c) All documents that are scanned shall be scanned at a resolution of 300 dpi (dots
10 per inch).

11 (d) All documents, where appropriate, shall be "bookmarked" to distinguish different
12 sections of the document.

13 (3) All electronic tariff filings will be made publicly available on the commission web
14 site.

1 (4) A document shall be considered timely filed with the commission if it has been
2 successfully transmitted in electronic medium to the commission within the time allowed
3 for filing.

4 [~~Designation of Tariffs. All tariffs must bear in the upper right-hand corner of the front~~
5 ~~cover page the commission number thereof. Subsequent tariffs filed as provided by~~
6 ~~Sections 6 and 9 of this administrative regulation, must continue such designation in~~
7 ~~consecutive numerical order. Any subsequent tariff must also show the commission~~
8 ~~number of the tariff cancelled, changed or modified by it.]~~

1 **Section 6. Change or Withdrawal of Rate Schedules Administrative Regulations. (1)**

2 No tariff~~[, or any provision thereof,]~~ may be changed, cancelled or withdrawn without
3 following the rules in ~~[except upon such terms and conditions as the commission may~~
4 ~~impose and in compliance with]~~ KRS 278.180 and ~~[Sections 6 and 9 of]~~ this
5 administrative regulation.

6 (2)~~(a)~~ Each revision of ~~[All revisions in]~~ a tariff sheet ~~[sheets]~~ shall contain one of the
7 following symbols ~~[a symbol]~~ in the margin indicating the change made~~[. These symbols~~
8 ~~are as follows]:~~

9 ~~[(C) To signify changed administrative regulation.]~~

10 (D) To signify deletion. ~~[discontinued rate, administrative regulation or test.]~~

11 (I) To signify increase.

12 (N) To signify new rate or regulation. ~~[and/or new test.]~~

13 (R) To signify reduction.

14 (T) To signify a change in text.

1 ~~[(b) In the case of a change in the text of any tariff sheet where the rate remains the~~
2 ~~same, the effective date shall remain the same as that on the amended sheet. The issued~~
3 ~~date of the change shall be the date the filing is made with the commission.]~~

4 ~~—[(c) All tariff filings which involve the furnishing of equipment or services to the~~
5 ~~customer by the utility shall be accompanied by a description of the equipment or service~~
6 ~~involved in the filing and a cost of service study justifying the proposed charges.]~~

7 (3) A revised tariff (or revised sheet of an existing tariff) ~~[New tariffs stating changes~~
8 ~~in any provision of any effective tariff]~~ may be issued and placed ~~[put]~~ into effect by either
9 of the two (2) following methods:

10 (a) By order of the commission, or ~~[upon formal application by the utility, and after~~
11 ~~hearing, as provided by Section 7 of this administrative regulation.]~~

12 —(b) By issuing and filing with the ~~[on at least twenty (20) days' notice to the]~~
13 commission ~~[and the public a complete]~~ a new tariff (or revised sheet of an existing tariff)
14 that provides statutory notice to the commission and the public. ~~[(or revised sheet of an~~
15 ~~existing tariff) stating all the provisions and schedules proposed to become effective as~~
16 ~~provided by Sections 7 and 9 of this administrative regulation.]~~

1 | ~~— [(4) The provisions or rates stated on any sheet or page of a tariff may be modified or~~
2 | ~~changed by the filing of a revision of such sheet or page in accordance with the provisions~~
3 | ~~of this administrative regulation. Such revisions must be identified as required herein.]~~

1 | **Section 7. Adjustment of Rates pursuant to Order.** ~~[on Application.]~~ When the
2 | Commission has ordered a change in the rates of a utility, ~~[Upon the granting of authority~~
3 | ~~for a change in rates,]~~ the utility shall file a tariff sheet(s) setting out the revised rate,
4 | classification, charge, or rule and administrative regulation. ~~[authorized by the~~
5 | ~~commission to become effective the order may direct, and each page of the tariff so filed~~
6 | ~~shall state that it is "Issued by authority of an order of the Public Service Commission in~~
7 | ~~Case No. _____ dated _____, 19____."~~]

1 **Section 8. Notices.** Notices shall be given by the utility in the following manner:

2 (1) Advance notice, abbreviated newspaper notice. Utilities with gross revenues
3 greater than \$5,000,000 [~~\$1,000,000~~] shall notify the commission in writing of ~~it~~ intent to
4 ~~file a rate application~~ at least four (4) weeks prior to filing their application. At or
5 about this time application may be made to the commission for permission to use an
6 abbreviated form of newspaper notice of proposed rate increases provided the notice
7 includes a coupon which may be used to obtain a copy from applicant of the full schedule
8 of increases or rate changes. The applicant shall also transmit by electronic mail an
9 electronic copy of the notice in a portable document format to the Attorney General's
10 Office of Rate Intervention at rateintervention@ag.ky.gov.

11 (2) Notice to customers of proposed rate changes. (a) If the applicant has twenty (20)
12 or fewer customers or is a sewer utility, it shall:

13 1. Mail written notice to each customer no later than the date on which the application
14 is filed with the commission. The notice shall meet the requirements set forth in
15 subsection (3) of this section;

1 2. Post at its place of business no later than the filed date of the application a sheet
2 containing the information provided in the written notice to its customers; and

3 3. Keep the notice posted until the commission has issued a final decision on the
4 application.

5 ~~[, typewritten notice of the proposed rate changes and the estimated amount of increase~~
6 ~~per customer class shall be placed in the mail to each customer no later than the date on~~
7 ~~which the application is filed with the commission and, in addition, a sheet shall be posted~~
8 ~~at its place of business containing such information. Except for sewer utilities which must~~
9 ~~give a notice by mail to all of their customers pursuant to KRS 278.185, all applicants with~~
10 ~~more than twenty (20) customers shall post a sheet stating the proposed rates and the~~
11 ~~estimated amount of increase per customer class at their place of business and, in~~
12 ~~addition, notice thereof:]~~

13 (b) An applicant that has more than twenty (20) customers and is not a sewer utility
14 shall post at its place of business a sheet containing the information required by
15 subsection (3) of this section and shall:

1 1.~~(a)~~ Include notice with customer bills mailed by the date the application is filed

2 ~~[Shall be included with customer billings made on or before the application is filed~~

3 ~~with the commission]; or~~

4 2.~~(b)~~ Publish notice ~~[Shall be published by such date]~~ in a trade publication or

5 newsletter going to all customers by the date the application is filed; or

6 3.~~(c)~~ Publish notice ~~[Shall be published]~~ once a week for three (3) consecutive

7 weeks in a prominent manner in a newspaper of general circulation in their service area,

8 the first publication to be made by the date the application is filed. ~~[prior to the filing of the~~

9 ~~application with the commission.]~~

10 4. Utilities providing service in multiple counties may use a combination of the notice

11 methods listed above.

12 (3) Notice Requirements. Each ~~[such]~~ notice shall contain the following

13 information~~[language]~~:

14 (a) The present rates and proposed rates for each customer class to which the

15 proposed rates will apply;

1 (b) The effect upon the average bill for each customer class to which the proposed
2 rate change will apply;

3 (c) A statement that t~~[T]~~he rates contained in this notice are the rates proposed by
4 (name of utility) but that ~~[- However,]~~ the Public Service Commission may order rates to
5 be charged that differ from the ~~[these]~~ proposed rates contained in this notice. ~~[Such~~
6 ~~action may result in rates for consumers other than the rates in this notice.]~~

7 ~~[(3) Notice as to intervention. The notice made in compliance with subsection (2) of~~
8 ~~this section shall include a statement to the effect:]~~

9 (d)~~[(a)]~~ A statement t~~[T]~~hat any corporation, association, ~~[body politic]~~ or person with
10 a special interest in the matter may, ~~[by motion]~~ within thirty (30) days after publication or
11 mailing of notice of the proposed rate changes, submit a written request ~~[leave]~~ to
12 intervene to the Public Service Commission, 211 Sower Boulevard, P.O. Box 615,
13 Frankfort, Kentucky 40602, and shall set forth the grounds for the request including the
14 status and interest of the party; and

1 ~~[(b) That the motion shall be submitted to the Public Service Commission, 211 Sewer~~
2 ~~Boulevard, P.O. Box 615, Frankfort, Kentucky 40602, and shall set forth the grounds for~~
3 ~~the request including the status and interest of the party; and]~~

4 (e) A statement that a copy of the application and all documents filed with the Public
5 Service Commission may be viewed at (the name of the utility) located at (the utility's
6 address) and also at the Public Service Commission's Web site at <http://psc.ky.gov/>.

7 ~~[(c) That intervenors may obtain copies of the application and testimony by contacting~~
8 ~~the applicant at a name and address to be stated in the notice. A copy of the application~~
9 ~~and testimony shall be available for public inspection at the utility's offices.]~~

10 (4) Proof of notice. An applicant shall file with the commission no later than forty-five
11 (45) days from the filed date of the application:

12 (a) If its notice is published, an affidavit from the publisher verifying the notice was
13 published, including the dates of the publication with an attached copy of the published
14 notice; or

1 (b) If its notice is published in a trade publication or newsletter going to all
2 customers, a written statement signed by the utility's chief executive officer verifying the
3 trade publication or newsletter was mailed; or

4 (c) If the notice is mailed, a written statement signed by the utility's chief executive
5 officer verifying the notice was mailed.

6 (5) Web Site. A utility that maintains a public web site shall, within seven (7) days of
7 filing an application, post a copy of the public notice as well as a hyperlink to its filed
8 application on the commission's web site which shall not be removed prior to the
9 issuance of a final order from the commission setting forth the utility's approved rates.

10 (6) [(4)] Compliance by electric utilities with rate schedule information required by 807
11 KAR 5:051. If notice is given by subsection (2)(a) or (b) of this section and if the notice
12 contains a clear and concise explanation of the proposed change in the rate schedule
13 applicable to each customer, no notice under Section 2 of 807 KAR 5:051 shall be
14 required. Otherwise, ~~such~~ notice under Section 2 of 807 KAR 5:051 shall be given.

15 (7) [(5)] Notice of hearing. Where notice pursuant to KRS 424.300 is published by the
16 applicant in a newspaper, it shall be published in a newspaper of general circulation in the

1 | areas that will be affected one (1) time not less than seven (7) nor more than twenty-one
2 | (21) days prior to the hearing giving the purpose, time, place and date of hearing.
3 | (8)~~(6)~~ Extensions of time. Applications for extensions of time shall be made to the
4 | commission in writing and will be granted only upon a showing of compelling reason.

1 **Section 9. Statutory Notice to the Commission.** (1) When a new tariff has been [~~se~~]
2 issued and proper notice [~~thereof~~] given to the commission and the public, [~~in all respects~~
3 ~~as hereinbefore provided, such~~] the tariff will become effective on the date stated on the
4 tariff sheet by operation of law [~~therein~~] unless [~~the operation thereof be~~] suspended [~~and~~
5 ~~the rates and administrative regulations therein be deferred~~] by an order of the
6 commission [~~pending a hearing concerning the propriety of the proposed rates and~~
7 ~~administrative regulations~~] under KRS 278.190.

8 (2) All information and notice required by these rules shall be furnished to the
9 commission at the time of the filing of any proposed revisions in rates or administrative
10 regulations. [~~and the twenty (20) days~~] S[~~s~~]tatutory notice to the commission will not
11 commence to run and will not be computed until such information and notice is filed if the
12 commission determines that there was a substantial omission, which was prejudicial to
13 full consideration by the commission or to an intervenor.

1 **Section 10. Nonrecurring Charges.** Nonrecurring charges are charges to customers
2 due to a specific request for certain types of service activity for which, when the activity is
3 completed, no additional charges may be incurred. Nonrecurring [~~Such~~] charges are
4 intended to be limited in nature and to recover the specific cost of the activity and include,
5 but not be limited to, [~~Nonrecurring charges include~~] reconnection charges, late payment
6 charges [~~fees~~], service order charges and hook-on or tap fees. This section allows a utility
7 to seek a rate revision for a nonrecurring charge by making a tariff filing. [~~outside a~~
8 ~~general rate proceeding.~~] In addition to the specific information required pursuant to the
9 above sections, the following information must be submitted to the commission when a
10 utility makes a filing to increase [~~miscellaneous or~~] nonrecurring [~~service~~] charges [~~outside~~
11 ~~a general rate case~~]:

12 (1) Each requested rate revision must be accompanied by:

13 (a) A specific cost justification for the proposed rates. [~~and a full description of the~~
14 ~~equipment or service provided under tariff (807 KAR 5:001, Section 6(2)(c)). The~~
15 ~~proposed rates should at least cover incremental costs, and a reasonable contribution to~~

1 | ~~overhead. Incremental costs are defined as those costs which would be specifically~~
2 | ~~incurred in the provision of this service.]~~

3 | (b) A copy of the public notice of each requested rate revision and verification that it
4 | has been made pursuant to Section 8 of this administrative regulation. [~~In addition to the~~
5 | ~~notice requirements contained in Section 8 of this administrative regulation, the utility~~
6 | ~~shall also mail a copy of its filing to the Attorney General's Consumer Protection Division.~~
7 | ~~The Attorney General will then have ten (10) days to notify the commission in writing if it~~
8 | ~~requests a hearing in a particular case.]~~

9 | (c) A detailed statement explaining why the proposed changes could not have been
10 | included in the most recent [~~previous~~] general rate case, and why current conditions
11 | prevent deferring the proposed changes until the next general rate case [~~request~~].

12 | (d) An impact statement identifying the group of customers affected by the proposed
13 | tariff. The impact statement shall identify potential as well as existing customers.

14 | (e) A copy of the utility's income statement and balance sheet for a recent twelve (12)
15 | month period if not already on file with the commission.

1 (2) If the additional revenue to be generated from the proposed tariff revisions
2 exceeds by five (5) percent the total revenues provided by all ~~[miscellaneous and]~~
3 nonrecurring charges for a recent twelve (12) month period, the utility must~~[-file]~~, in
4 addition to the information set out in subsection (1)~~[(a)]~~ of this section, file ~~[the following:~~
5 ~~A] an~~ an absorption test showing that the additional net income generated by the tariff filing
6 will not result in an increase in the rate of return (or other applicable valuation methods) to
7 a level greater than that which was allowed in the most recent general rate case. When
8 calculating the absorption test, any ~~[Any]~~ general rate increase(s) received during the
9 twelve (12) month period must be annualized. ~~[Any significant cost changes may be~~
10 ~~included but must be documented as part of the filing.]~~
11 ~~[(3) No more than two (2) such tariff filings under this procedure shall be made~~
12 ~~between general rate cases. Additional tariff filings for nonrecurring charges will be~~
13 ~~processed according to general rate case procedures.]~~
14 (3) When these requirements are met, ~~[such]~~ a nonrecurring charge filing may be
15 made by letter with supporting documentation and will not require the information

1 normally required pursuant to the commission's general rate case administrative
2 regulation[, ~~807 KAR 5:001, Section 9~~].

3 (4) When submitting its application to the commission, the applicant shall also:

4 (a) Deliver or mail one (1) paper copy to the Office of Rate Intervention, Office of the
5 Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky, 40601-
6 8204, or

7 (b) Transmit by electronic mail an electronic copy in portable document format to the
8 Office of Rate Intervention at rateintervention@ag.ky.gov.

9 (5) The Attorney General will then have ten (10) days to request in writing that the
10 commission obtain additional information from the applicant or to notify the commission in
11 writing if it requests a hearing in a particular filing.

1 **Section 11. Change of Ownership; Adoption Notice.** (1) An adoption notice, on a form

2 furnished by the commission, shall be issued in the following situations:

3 (a) When ~~[In case of]~~ a change of ownership or control of a utility occurs, or

4 (b) When ~~[when]~~ a utility or a part of its business is transferred from the operating
5 control of one company to that of another, or

6 (c) When ~~[when]~~ a utility's ~~[its]~~ name is changed, or

7 (d) When a receiver or trustee assumes possession and operation of a utility.

8 (2) Unless otherwise authorized by the commission, the entity ~~[company]~~ which will
9 ~~[thereafter]~~ operate the utility business going forward must adopt, ratify, and make its own

10 ~~[use]~~ the former operating utility's rates, classifications and administrative regulations ~~[of~~
11 ~~the former operating company]~~ on file with the commission and effective at the time of

12 change of ownership or control. ~~[(unless authorized to change by the commission), and~~

13 ~~shall issue, file and post an adoption notice, on a form furnished by the commission,~~

14 ~~adopting, ratifying and making its own all rates, rules, classifications and administrative~~

15 ~~regulations of the former operating utility, on file with the commission and effective at the~~

16 ~~time of such change of ownership or control.]~~

1 | ~~(3) [(2)] Adoption notices must likewise be filed by receivers and trustees assuming~~
2 | ~~possession and operation of utilities.~~ Adoption notices may be filed and made effective
3 | without previous notice.

4 | ~~(4) [(3)]~~ Adoption notices filed with the commission [~~by each utility~~] shall be in
5 | consecutive numerical order, beginning with Public Service Commission Adoption Notice
6 | No. 1.

7 | ~~(5) [(4)]~~ Within ten (10) days after the filing of an adoption notice [~~as aforesaid~~] by a
8 | public utility ~~that~~ [~~which then~~] had no tariffs on file with the commission, ~~the~~ [~~said~~] utility
9 | shall issue and file in its own name the tariff of the predecessor utility then in effect and
10 | adopted by it, or ~~a~~ [~~such other~~] tariff [~~as~~] it proposes to put into effect in lieu thereof, in the
11 | form prescribed in Sections 2 through ~~4~~ [~~5~~] of this administrative regulation with proper
12 | identifying designation. (Example: Public Service Commission No. 1 cancels Public
13 | Service Commission Adoption Notice No. 1.)

14 | ~~(6) [(5)]~~ Within ten (10) days after the filing of an adoption notice [~~, as required by~~
15 | ~~subsection (2) of this section,~~] by a public utility which [~~then~~] had other tariffs on file with
16 | the commission, ~~the~~ [~~said~~] utility shall issue and file one of the following:

1 (a) A complete reissue of its existing tariff that:

2 1. Sets out the rates and administrative regulations of the predecessor utility then in

3 effect and adopted by it, or

4 2. Sets out the rates and administrative regulations it proposes to put into effect for

5 the predecessor utility.

6 (b) New additional pages or revised current pages of its existing tariffs that:

7 1. Sets out the rates and administrative regulations of the predecessor utility then in

8 effect and adopted by it, or

9 2. Sets out the rates and administrative regulations it proposes to put into effect for

10 the predecessor utility.

11 ~~[in its own name rate schedules and administrative regulations (on additional or revised~~
12 ~~sheets to its existing tariff, or by a complete reissue of its existing tariff, or otherwise),~~

13 ~~which shall set out the rates and administrative regulations of the predecessor utility then~~

14 ~~in effect and adopted by it, or such other rates and administrative regulations as it~~

15 ~~proposes to put into effect in lieu thereof, in accordance with the provisions of these rules~~

16 ~~with proper identifying designation. (Example: First Revision of Original Sheet No. 2A,~~

1 ~~Public Service Commission, No. 11, cancels Original Sheet No. 2A, also cancels Public~~
2 ~~Service Commission Adoption Notice No. 6; or Public Service Commission No. 12~~
3 ~~cancels Public Service Commission No. 11, also cancels Public Service Commission~~
4 ~~Adoption Notice No. 6.)]~~

5 (7)[(6)] When a tariff or revision is issued by a utility in compliance with these rules
6 which states the rates, rules and administrative regulations of the predecessor utility
7 without change in any of the provisions [~~thereof~~], the tariff or revision [~~same~~] may be filed
8 without notice; but when a [~~such~~] tariff or revision states any change in the effect of the
9 rates, rules and administrative regulations of the predecessor utility, the [~~such~~] tariff or
10 revision shall be subject to Sections 9 and 10 of this administrative regulation.

1 **Section 12. Posting Tariffs, Administrative Regulations and Statutes.** (1) Every utility
2 shall display a suitable placard, in large type, that states the utility's tariff and applicable
3 administrative regulations and statutes are available for public inspection. [~~provide a~~
4 ~~suitable table or desk in its office and place of business, on which shall be available to the~~
5 ~~public at all times the following:~~]

6 (2) Every utility shall provide a suitable table or desk in its office and place of
7 business on which it shall make available for public viewing the following:

8 (a)~~(1)~~ A copy of all effective tariffs and supplements setting out its rates,
9 classifications, charges, rules and administrative regulations, together with forms of
10 contracts and applications applicable to the territory served from that office or place of
11 business.

12 (b)~~(2)~~ A copy [~~Copies~~] of the Kentucky Revised Statutes applicable to the utility.

13 (c)~~(3)~~ A copy of the administrative regulations governing such utility adopted by the
14 commission.

15 (3) The information required in subsection 2 of this administrative regulation may be
16 made available in an electronic or non-electronic format.

1 | [~~(4) A suitable placard, in large type, giving information to the public that said tariffs,~~
2 | ~~rules and administrative regulations and statutes are kept there for public inspection.]~~

1 | **Section 13. Special Contracts.** With the exception of the telecommunication industry,
2 | every utility shall file a copy [~~true copies~~] of all special contracts entered into governing
3 | utility service which set out rates, charges or conditions of service not included in its
4 | general tariff. [~~The provisions of this administrative regulation applicable to tariffs~~
5 | ~~containing rates, rules and administrative regulations, and general agreements, shall also~~
6 | ~~apply to the rates and schedules set out in said special contracts, so far as practicable.~~]

- 1 **Section 14. Deviations from Rules.** In special cases, for good cause shown upon
- 2 application to and approval by, the commission may permit deviations from these rules.

- 1 **Section 15. Forms.** In submitting to the commission information required by these
- 2 rules the following forms shall be followed where applicable: