

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF FILING OF BLACK MOUNTAIN)
UTILITY DISTRICT TO CHANGE THE SERVICE) CASE NO. 90-187
CONNECTION FEES)

O R D E R

On June 28, 1990, Black Mountain Utility District ("Black Mountain") filed revised tariff sheets with the Commission proposing to increase its meter connection fee to \$400. Black Mountain proposed an effective date of August 1, 1990 for the tariff. In its application, Black Mountain also requested a deviation from the requirements of 807 KAR 5:011, Section 10(1)(b)-(e) and (2), on the grounds that the meter connection fee is a revenue-neutral charge which allows the district merely to "break even" by recovering actual costs incurred.

807 KAR 5:011, Section 10, defines non-recurring charges as charges "intended to be limited in nature and to recover the specific cost of the activity." The regulation allows a utility to seek a rate revision for non-recurring charges outside a general rate proceeding, but requires the information contained in (1)-(3) to be provided with such a filing. Inasmuch as the regulation defines non-recurring charges as revenue-neutral yet mandates the filing of the information, its clear intent is to require the information despite the fact that the charges are revenue-neutral. The Commission therefore finds that Black

Mountain's request to deviate from the requirements of 807 KAR 5:011, Section 10(1)(b)-(e) and (2), should be denied.

As the information required by the subsections cited above has not been filed with Black Mountain's proposed tariff, the tariff cannot be adequately reviewed prior to the proposed effective date of August 1, 1990. Accordingly, it should be suspended for a period of five months from the proposed effective date of August 1, 1990 through January 1, 1991.

Having reviewed the proposed tariff and being otherwise sufficiently advised, the Commission therefore ORDERS that:

1. Black Mountain's request for a deviation from the requirements of 807 KAR 5:011, Section 10(1)(b)-(e) and (2), be and it hereby is denied.

2. Black Mountain's tariff filing of June 28, 1990 is hereby suspended for five months from the proposed effective date of August 1, 1990 through January 1, 1991.

Nothing in this Order shall prevent the Commission from entering a final decision in this case prior to the termination of the suspension period.

Done at Frankfort, Kentucky, this 10th day of July, 1990.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director