

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE ASSESSMENT ON)
CUSTOMER PARTICIPATION FEES BY KENTUCKY) CASE NO. 99-423
TURNPIKE WATER DISTRICT)

ORDER

On September 1, 1999, the Commission in Case No. 99-323¹ directed Kentucky Turnpike Water District (“Kentucky Turnpike”) to show cause why it should not be required to refund all customer participation fees collected from customers who connected to the Cedar Grove Road Transmission Main. The Commission’s action followed the receipt and adjudication of complaints regarding Kentucky Turnpike’s assessment of charges and fees not contained in the utility’s published rate schedules. The Commission subsequently established this docket to investigate Kentucky Turnpike’s collection of customer participation fees, its retention of such fees and all related matters. Those issues were then transferred from Case No. 97-323 to this docket.

Although afforded the opportunity to request a hearing in this matter, Kentucky Turnpike has not expressly done so.² To ensure that Kentucky Turnpike and all parties who have intervened in this matter have adequate opportunity to present evidence and

¹ Case No. 97-323, Burke Realty Company v. Kentucky Turnpike Water District (September 1, 1999).

² On October 1, 1999, Kentucky Turnpike responded to the Commission’s Order to Show Cause. In its response, it made no express request for a hearing on whether it should be required to refund customer anticipation fees collected from Cedar Grove Transmission Main customers.

argument on the collection and potential refund of the customer participation fees, the Commission finds that all parties should be permitted 15 days in which to request a hearing in this matter or to submit argument or comment on the proposed refund of the customer participation fees. If no requests for hearing are received by that date, the Commission will consider the matter submitted for decision.

The Commission notes that the issue of Kentucky Turnpike's collection of customer participation fees has been raised and reviewed in Case No. 99-048³ and that the record developed in that proceeding would assist the Commission in addressing the principal issues in this case. Accordingly, we find that the record of Case No. 99-048 should be incorporated by reference into the record of this proceeding.

IT IS THEREFORE ORDERED that:

1. Any party to this proceeding wishing a hearing in this matter shall submit its written request for such hearing within 15 days of the date of this Order. Such request shall list the issues that the party wishes to address and the witnesses that he expects to call.

2. If no written requests for hearing are received by the Commission within 15 days of this Order, this matter shall stand submitted for decision.

3. Those parties wishing to submit written comments on the proposed refund of the customer anticipation fees shall submit such comments within 15 days of the date of this Order.

4. The record of Case No. 99-048 is incorporated by reference into the record of this proceeding.

³ Case No. 99-048, The Contract Filing of Kentucky Turnpike Water District with Customers Located in the Cedar Grove Road Area for the Supply of Water.

Done at Frankfort, Kentucky, this 22nd day of February, 2000.

By the Commission

ATTEST:

Executive Director