

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BLUE GRASS )  
ENERGY COOPERATIVE CORPORATION ) CASE NO. 2005-00330  
TO ADJUST ITS RATES )

O R D E R

On August 9, 2005, Blue Grass Energy Cooperative Corporation (“Blue Grass”) submitted an application pursuant to 807 KAR 5:011 seeking authority to increase its cable television (“CATV”) attachment rates. Since Blue Grass was seeking an adjustment for a recurring rate, the application was required to be filed pursuant to the general rate application requirements of 807 KAR 5:001, Section 10. Finding that these requirements had not been met, the Commission rejected the application on August 17, 2005. On September 14, 2005, Blue Grass tendered a new application and requested permission to deviate from several of the general rate application requirements. 807 KAR 5:001, Section 14, provides the Commission with the authority to permit deviations from its regulations for good cause shown.

Having reviewed the filing and being otherwise sufficiently advised, the Commission finds that Blue Grass’s request for deviations should be granted in part and denied in part. We further find that Blue Grass’s application should not be considered filed until all filing requirements not approved herein for deviation are satisfied and that the statutory time period in which the Commission must process this case will not

commence until the application is considered filed. Since Blue Grass is proposing an adjustment only to its CATV rates, the Commission finds that Blue Grass's filing contains sufficient information to enable the Commission to grant Blue Grass permission to deviate from certain filing requirements and that requiring the submission of all filing requirements in this case would result in increased expense without any corresponding benefit to the ratepayers, the Commission, or the public. Therefore, the Commission finds that good cause has been shown to grant Blue Grass's request for deviations from the following sections and subsections of 807 KAR 5:001, Section 10: 10(1)(b)(9)--Statement of Compliance with Notice Requirements; 10(2)--Notice of Intent; 10(6)(e)--Effect of Proposed Change on Average Bill of Each Customer Classification; 10(6)(g)--Billing Analysis; 10(6)(j)--Current Chart of Accounts; 10(6)(k)--Independent Auditor's Annual Report; 10(6)(n)--Summary of Latest Depreciation Study; 10(6)(q)--Annual Report to Members; 10(6)(r)--Monthly Managerial Reports; 10(6)(t)--Details of Affiliate Allocated Charges; 10(6)(u)--Cost-of-Service Studies; and 10(7)(b)--Capital Construction Budget.

The Commission finds, however, that certain information is necessary for its review and must be submitted before the case is considered filed. The Commission recently held in Case No. 2004-00319<sup>1</sup> that in all future CATV rate adjustment cases, the utility shall bear the burden of demonstrating the reasonableness of its proposed rate of return to be included in the carrying charge component of the CATV

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<sup>1</sup> Case No. 2004-00319, Application of Jackson Purchase Energy Corporation For Adjustments In Existing Cable Television Attachment Tariff, Order dated September 14, 2005 at 7.

methodology. Therefore, the Commission finds that Blue Grass's request to deviate from 807 KAR 5:001, Section 10(6)(h)--Summary Determination of Revenue Requirements, and 10(6)(i)--Reconciliation of Rate Base and Capital, should be denied. The Commission further finds that Blue Grass has failed to provide sufficient basis to support its requested relief from compliance with 807 KAR 5:001, Section 10(1)(b)(5)--Certificate of Good Standing, and Section 10(6)(b)--Prepared Testimony, and its request should be denied.

IT IS THEREFORE ORDERED that:

1. Blue Grass's request for permission to deviate from the filing requirements of 807 KAR 5:001, Section 10(1)(b)(9); 10(2); 10(6)(e); 10(6)(g); 10(6)(j); 10(6)(k); 10(6)(n); 10(6)(q); 10(6)(r); 10(6)(t); 10(6)(u); and 10(7)(b), is granted.
2. Blue Grass's request for permission to deviate from the filing requirements of 807 KAR 5:001, Section 10(1)(b)(5); (10)(6)(b); (10)(6)(h); and (10)(6)(i), is denied.
3. Within 15 days from the date of this Order, Blue Grass shall file the information required by 807 KAR 5:001, Section 10(1)(b)(5); (10)(6)(b); (10)(6)(h); and (10)(6)(i).
4. The statutory time period in which the Commission must process this filing shall not commence until the information required by Ordering Paragraph 3 is filed with the Commission. When Blue Grass has filed that information, it may re-file its tariff with a new proposed effective date that is at least 30 days beyond the date of filing the information requested in Ordering Paragraph 3.

Done at Frankfort, Kentucky, this 3<sup>rd</sup> day of November, 2005.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the end, positioned above a solid horizontal line.

Executive Director