

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALTERNATIVE RATE FILING OF SEDALIA) CASE NO.
WATER DISTRICT) 2009-00107

ORDER

On March 11, 2009, Sedalia Water District ("Sedalia") tendered its application for an adjustment of rates, pursuant to the alternative rate filing procedure identified in 807 KAR 5:076. Sedalia did not include a revised tariff sheet in its original application, but on June 18, 2009, it supplemented its application by filing a revised tariff with a proposed effective date of July 19, 2009. The tariff that Sedalia filed, however, was not signed by an officer of the water district and the tariff was not completely filled out.

KRS 278.180(1) provides that "no change shall be made by any utility in any rate except upon thirty (30) days' notice to the commission, stating plainly the changes proposed to be made and the time when the changed rates will go into effect." Pursuant to KRS 278.040(3), the Commission has promulgated 807 KAR 5:011, Section 9(1), which specifies:

When a new tariff has been so issued and notice thereof given to the commission and the public in all respects as hereinbefore provided, such tariff will become effective on the date stated therein unless the operation thereof be suspended and the rates and administrative regulations therein be deferred by an order of the commission pending a hearing concerning the propriety of the proposed rates and administrative regulations under KRS 278.190.

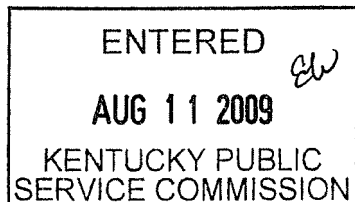
In order for a tariff to be issued, however, it must meet the standards described in 807 KAR 5:011, which includes a signature of the utility officer that is authorized to issue tariffs.¹ As Sedalia has failed to provide a revised tariff sheet that complies with the requirements of 807 KAR 5:011, the Commission finds that Sedalia has failed to provide adequate notice, and therefore, the proposed rates may not be placed into effect on July 19, 2009. If it wishes to place the proposed rates into effect, Sedalia must resubmit the tariff sheet consistent with law and regulation as stated above.

IT IS THEREFORE ORDERED that:

1. Sedalia's proposed tariff does not comply with the Commission's regulatory requirements and, therefore, Sedalia is not authorized to place its proposed rates into effect on July 19, 2009.

2. If Sedalia has placed the rates into effect and collected any funds at these increased rates, it shall immediately refund those excess funds to its customers.

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



By the Commission

ATTEST:



Executive Director

¹ 807 KAR 5:011, Section 3(5) states: The second and succeeding pages [of the tariff] shall contain: . . .(c) [s]ignature of the officer of the utility authorized to issue tariffs. Similarly, Section 4(4)(a) of that regulation requires, "Each page of the tariff shall bear the Commission Number of the tariff, the date issued and effective, the signature of the issuing officer, and in the upper right hand corner, a further designation such as 'Original Sheet No. 1,' 'Original Sheet No. 2,' etc."

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