

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TARIFF FILING OF HENRY COUNTY WATER)
DISTRICT NO. 2 TO AMEND ITS POLICY) CASE NO. 2009-00440
REGARDING CERTIFICATION OF WATER)
AVAILABILITY)

ORDER

Henry County Water District No. 2 (“Henry District”) has moved for authority to continue the assessment of its Offsetting Improvement Charge pending the conclusion of Case No. 2009-00370.¹ In support of its motion, Henry District states that, despite its good faith efforts and due diligence to develop a substitute for its Offsetting Improvement Charge, the Commission has yet to authorize such a substitute and that, without a substitute charge in place at the expiration of its Offsetting Improvement Charge, the potential exists for disparate treatment of similarly situated customers.

After careful review of the motion, the Commission finds that the motion should be denied. On December 8, 2008, the Commission found that Henry District’s Offsetting Improvement Charge was unreasonable and should be discontinued.² We allowed Henry District to continue assessing the Offsetting Improvement Charge for 180

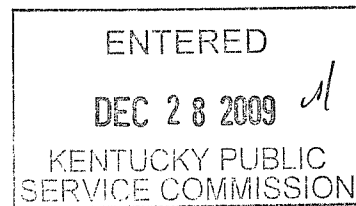
¹ Case No. 2009-00370, *Application of Henry County Water District No. 2 for Approval to Adjust Water Rates and Charges, Construct and Finance a Proposed Waterworks Project, and Implement a System Development Charge* (Ky. PSC tendered Nov. 16, 2009).

² Case No. 2006-00191, *Examination of the Operation and Reasonableness of the Offsetting Improvement Charge of Henry County Water District No. 2* (Ky. PSC Dec. 8, 2008).

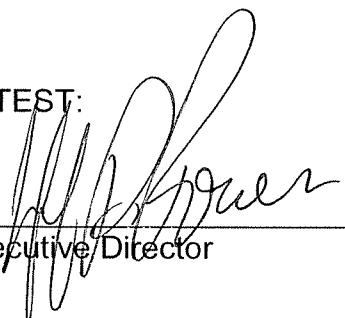
days to permit time to develop a replacement for this charge. We have twice extended this grace period, ultimately allowing the water district more than a year to develop a replacement charge.³ We find this amount of time to be more than adequate. Moreover, as Henry District's application in Case No. 2009-00370 has been deemed deficient and has yet to be accepted for filing, extending the time period for Henry District to assess the Offsetting Improvement Charge to the completion of that proceeding would be tantamount to an open-ended commitment without a clear and definite ending.

IT IS THEREFORE ORDERED that Henry District's Motion for Interim Relief is denied.

By the Commission



ATTEST:



Executive Director

³ Case No. 2009-00211, *Request of Henry County Water District No. 2 for an Extension of Time in Which to Assess Its Offsetting Improvement Charge* (Ky. PSC Sep. 8, 2009).

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