

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF HERRINGTON HAVEN)	CASE NO.
WASTEWATER COMPANY, INC. FOR AN)	2017-00311
ALTERNATIVE RATE ADJUSTMENT)	

ORDER

On July 24, 2017, the Commission received Herrington Haven Wastewater Company's ("Herrington Haven") application ("Application") requesting to adjust its monthly service rates pursuant to the procedures set forth in 807 KAR 5:076. By letters dated July 31, 2017, and August 29, 2017, the Commission notified Herrington Haven that its Application was rejected as deficient. Herrington Haven filed its responses to the filing deficiencies on August 18, 2017, and September 11, 2017, respectively. On September 26, 2017, the Commission notified Herrington Haven that the deficiencies were cured and its Application was accepted for filing. The Commission finds that a procedural schedule should be established to ensure the orderly review of Herrington Haven's Application.

All requests for intervention should be filed by October 16, 2017. Any motion to intervene filed after October 16, 2017, should show a basis for intervention and good cause for being untimely. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either: (1) a special interest in the proceeding which is not adequately represented in the case; or (2) that the person requesting permissive intervention is

likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction.

Based on the foregoing, the Commission further finds that any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of wastewater produced by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

The Commission HEREBY ORDERS that:

1. This proceeding is established to review the reasonableness of Herrington Haven's proposed rates.¹
2. No later than December 21, 2017, Commission Staff shall file with the Commission and serve upon all parties of record a written report ("Staff Report") containing its findings and recommendations regarding Herrington Haven's requested rate adjustment.
3. No later than 21 days after the date of the filing of the Commission Staff Report, each party of record shall file with the Commission:

¹ No action is necessary to suspend the effective date of Herrington Haven's proposed rates for service. Pursuant to 807 KAR 5:076, Section 7(1), an applicant who applies for a rate adjustment pursuant to the procedures set for in 807 KAR 5:076 may not place its proposed rates into effect until the Commission approves those rates or six months from the date of the filing of its application.

a. Its written comments on and any objections to the findings contained in the Commission Staff Report; and

b. Any additional evidence for the Commission to consider.

4. If Commission Staff finds that Herrington Haven's financial condition supports a higher rate than Herrington Haven proposes or the assessment of an additional rate or charge not proposed in Herrington Haven's Application, Herrington Haven in its response to the Commission Staff Report shall also state its position in writing on whether the Commission should authorize the assessment of the higher rate or the additional rate or charge.

5. If Commission Staff finds that changes should be made to the manner in which Herrington Haven accounts for the depreciation of Herrington Haven's assets, Herrington Haven in its response to the Commission Staff Report shall also state its position in writing on whether the Commission should require Herrington Haven to implement the proposed change for accounting purposes.

6. A party's failure to file written objections to a finding contained in the Commission Staff Report within 14 days after the date of the filing of the Commission Staff Report shall be deemed a waiver of all objections to that finding.

7. If a party requests a hearing or informal conference, then the party shall make the request in its written comments and state the reason why a hearing or informal conference is necessary.

8. A party's failure to request a hearing or informal conference in the party's written response shall be deemed a waiver of all rights to a hearing on the Application and a request that the case stand submitted for decision.

9. A party's failure to file a written response within 14 days after the date of the filing of the Commission Staff Report shall be deemed a waiver of all rights to a hearing on the application.

10. All requests for intervention shall be filed by October 16, 2017.

11. Any motion to intervene filed after October 16, 2017, shall show a basis for intervention and good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule established for this proceeding.

By the Commission



ATTEST:


Executive Director

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