

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF MILBURN WATER DISTRICT )	CASE NO.
FOR AN ALTERNATIVE RATE ADJUSTMENT )	2018-00314

ORDER

On September 17, 2018, the Commission received Milburn Water District's (Milburn District) application (Application) requesting to adjust its monthly water service rates pursuant to the procedures set forth in 807 KAR 5:076. By letter dated September 28, 2018, the Commission notified Milburn District that its Application was rejected as deficient. Milburn District filed responses to the filing deficiencies on October 8, 2018. On October 16, 2018, the Commission notified Milburn District that the deficiencies were cured and its Application was accepted for filing as of October 8, 2018. The Commission finds that a procedural schedule should be established to ensure the orderly review of Milburn District's Application.

All requests for intervention should be filed by November 7, 2018. Any motion to intervene filed after November 7, 2018, 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 must 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 water consumed 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.

Finding that a procedural schedule should be established to ensure the orderly review of the Application, the Commission HEREBY ORDERS<sup>1</sup> that:

1. No later than January 15, 2019, 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 Milburn District's requested rate adjustment.
2. No later than 14 days after the date of the filing of the Commission Staff Report each party of record shall file with the Commission:
  - 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.

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<sup>1</sup> No action is necessary to suspend the effective date of Milburn District'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.

3. If Commission Staff finds that Milburn District's financial condition supports a higher rate than Milburn District proposes or the assessment of an additional rate or charge not proposed in Milburn District's Application, Milburn District 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.

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

5. 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.

6. 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.

7. 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.

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

9. All requests for intervention shall be filed by November 7, 2018.

10. Any motion to intervene filed after November 7, 2018, 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.

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By the Commission



ATTEST:

  
Executive Director

Case No. 2018-00314

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