

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF JETTA OPERATING)	
APPALACHIA, LLC FOR INITIAL RULES,)	CASE NO.
REGULATIONS, AND RATES FOR FURNISHING)	2018-00212
GAS SERVICE PURSUANT TO KRS 278.485)	

ORDER

On April 26, 2019, Jetta Operating Appalachia, LLC (Jetta), filed a Request for Amendment of Order (Request for Amendment) with the Commission.¹ Jetta requests for the Commission to amend its final Order dated April 2, 2019, to eliminate all provisions of the Order related to a requirement that Jetta identify individuals who are entitled to receive natural gas service pursuant to KRS 278.485, and to remove any express or implied requirement that Jetta supply, install, or operate any equipment necessary to artificially odorize natural gas made available to Jetta's customers.²

DISCUSSION AND FINDINGS

Although Jetta is requesting an amendment to the final Order, it is ostensibly requesting a rehearing pursuant to KRS 278.400. Under KRS 278.400, a petition for rehearing must be filed within 20 days after the service of the Order, and service of a Commission Order is complete three days after the date the Order is mailed. Based upon the plain reading of KRS 278.400, the last day that Jetta could have timely filed its Request for Amendment would have been on April 25, 2019. Therefore, Jetta's Request

¹ Jetta's Request for Amendment of Order (filed April 26, 2019).

² *Id.* at 1.

for Amendment filed on April 26, 2019, was submitted past the 23-day statutory period. Thus, the Commission has no jurisdiction under KRS 278.400 to consider Jetta's Request for Amendment. The Commission would also note that even though an attorney signed the cover letter to Jetta's Request for Amendment, the attorney did not sign the Request for Amendment pleading, but instead attached a signed certification from the manager of Jetta.³ According to 807 KAR 5:001, Section 4(4), a person shall not file a paper on behalf of another person, or otherwise represent another person, unless the person is an attorney licensed to practice law in Kentucky or an attorney who has complied with SCR 3.030(2). In future filings, Jetta will need to have an attorney sign submitted pleadings.

Although the Commission is denying the petition for rehearing on procedural grounds, the Commission will reopen this case pursuant to KRS 278.390,⁴ in order to further investigate the notification and odorization issues⁵ with regard to farm tap companies.

IT IS THEREFORE ORDERED that:

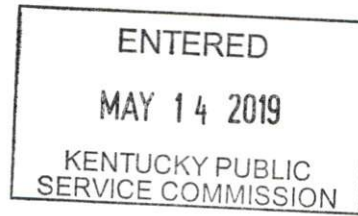
1. Jetta's Request for Amendment is denied.
2. Pursuant to KRS 278.390, the Commission reopens this case in order to further investigate the notification and odorization issues with regard to farm tap companies.

³ *Id.* at 6.

⁴ KRS 278.390 provides, in relevant part: Every order entered by the Commission shall continue in force until the expiration of the time, if any, named by the Commission in the order, or until revoked or modified by the Commission, unless the order is suspended, or vacated in whole or in part, by order or decree of a court of competent jurisdiction.

⁵ Section 6(12) of 807 KAR 5:026 went into effect on March 27, 2019, during the pendency of Case No. 2018-00212, Application of Jetta for Initial Initial Rules, Regulations, and Rates for Furnishing Gas Service pursuant to KRS 278.485.

By the Commission



ATTEST:


Executive Director

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