

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF B & H GAS)	CASE NO.
COMPANY, INC. FOR AN ALTERNATIVE RATE)	2020-00364
ADJUSTMENT)	

ORDER

On November 5, 2020, B & H Gas Company, Inc. (B & H) tendered an application, pursuant to 807 KAR 5:076, requesting to adjust its gas service rates. The Commission notified B & H by letter dated November 9, 2020, that its application was rejected for failure to satisfy the minimum filing requirements set forth in certain Commission regulations. B & H subsequently cured the filing deficiencies and its application was deemed filed as of November 12, 2020. On November 30, 2020, the Commission, in response to a public comment, which alleged that the customer notice that B & H mailed to its customers is illegible due to the small print, placed this case into abeyance until B & H mailed a legible notice to its customers and filed the same notice with the Commission. On December 2, 2020, B & H complied and this case is no longer held in abeyance.

Pursuant to 807 KAR 5:076, Section 11, the Commission hereby states that a staff report will not be issued in this proceeding. The information needed in this case will be obtained through the application and Commission Staff's Requests for Information. B & H or any party to this proceeding may request a formal hearing pursuant to the procedural

schedule appended hereto. The Commission finds that a procedural schedule¹ should be established to ensure the orderly review of B & H's application. The procedural schedule is attached as an Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order, which is attached hereto and incorporated herein, shall be followed.

2. a. Responses to requests for information shall be appropriately bound, tabbed and indexed, with the original and an electronic version to the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

¹ No action is necessary to suspend the effective date of B & H'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.

c. A party shall make timely amendment to any prior response if it obtains information that indicates the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

3. Any party filing a paper with the Commission shall file an original in paper medium and an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. The original in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085² regarding filings with the Commission. The Commission expects

² Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency.

4. 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.

5. 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. Therefore, 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 gas 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. In addition, any motion to intervene filed after the date established in the procedural schedule attached as an Appendix to this Order shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

6. B & H shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov"; and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time publication is requested, B & H shall forward a duplicate of the notice and request to the Commission.

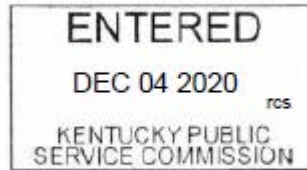
7. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

8. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

9. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

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

By the Commission



ATTEST:



Deputy Executive Director

Case No. 2020-00364

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00364 DATED DEC 04 2020

Requests for intervention shall be filed no later than..... 12/10/2020

All requests for information to B & H
shall be filed no later than 12/30/2020

B & H shall file responses to requests
for information no later than 01/15/2021

All supplemental requests for information to
B & H shall be filed no later than 02/01/2021

B & H shall file responses to supplemental
requests for information no later than 02/15/2021

A request for a formal hearing or statement
that this case may be submitted based on
the existing record shall be filed no later than 03/01/2021

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