

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC REQUEST OF KENTUCKY-	)	
AMERICAN WATER COMPANY FOR A	)	CASE NO.
DEVIATION FROM 807 KAR 5:001, SECTION	)	2021-00177
17(2) AND 807 KAR 5:011, SECTION 8(2)	)	

ORDER

This matter is before the Commission upon a motion filed by Kentucky-American Water Company (Kentucky-American) on April 15, 2021, requesting a deviation from the publication requirements of 807 KAR 5:001, Section 17(2) and 807 KAR 5:011, Section 8(2), in regard to the annual update to the Kentucky River Authority (KRA) Fee, which was filed with the Commission on March 1, 2021, through the Commission's electronic Tariff Filing System. The relevant regulation, 807 KAR 5:011, Section 8(2)(b)(3), requires that public notice be provided by publication in a newspaper of general circulation in the utility's service area once a week for three consecutive weeks, with the first publication occurring no later than the date of the tariff filing. Kentucky-American states that its notice for the annual KRA Fee update was delivered to the Kentucky Press Service, Inc. (Kentucky Press), on February 19, 2021. Kentucky Press is an organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky in which customers affected by the tariff reside. The publication was to occur once a week for three consecutive weeks beginning no later than March 1, 2021. Kentucky-American indicates that 13 newspapers, out of the 14 newspapers in which the notice was to run, timely published the notice as scheduled for three consecutive weeks, but

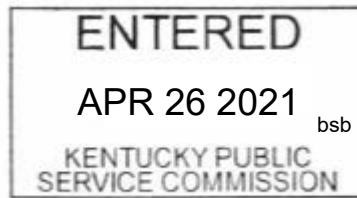
that one newspaper, the *McKee Jackson County Sun*, did not run the first notice until March 10, 2021, due to an inadvertent error by the Kentucky Press, with the remaining publications running in the March 17, 2021 and March 31, 2021 editions of the *McKee Jackson County Sun*. Kentucky-American asserts that it substantially complied with the Commission's notice requirements since the notice was published in each county three times and since it posted the notice at its office and on its website.

Having reviewed Kentucky-American's motion and being otherwise sufficiently advised, the Commission finds that Kentucky-American has established good cause to permit a deviation from the publication notice requirements of 807 KAR 5:011, Section 8(2)(b)(3), and that the motion for deviation from that regulation should be approved. As 807 KAR 5:001, Section 17(2), relates to general rate adjustments, the Commission finds that a deviation from the publication notice requirements of that regulation should be denied as moot.

IT IS THEREFORE ORDERED that:

1. Kentucky-American's motion for a deviation is granted in part and denied as moot in part as discussed above.
2. This case is closed and removed from the Commission's Docket.

By the Commission



ATTEST:

*Linda C. Bidwell*

Executive Director

Case No. 2021-00177

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