

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF THE BRACKEN )	
COUNTY WATER DISTRICT FOR THE )	
ISSUANCE OF A CERTIFICATE OF PUBLIC )	
CONVENIENCE AND NECESSITY TO )	CASE NO.
CONSTRUCT A WATER SYSTEM )	2021-00467
IMPROVEMENTS PROJECT AND AN ORDER )	
AUTHORIZING THE ISSUANCE OF SECURITIES )	
PURSUANT TO THE PROVISIONS OF KRS )	
278.020, 278.300, AND 807 KAR 5:001 )	

ORDER

On December 22, 2021,<sup>1</sup> Bracken County Water District (Bracken District) filed an application, pursuant to KRS 278.300, KRS 278.020, and 807 KAR 5:001, requesting authority to issue an evidence of indebtedness and a Certificate of Public Convenience and Necessity to construct water system improvements. Additionally, Bracken District requested that the Commission issue a final Order in this matter on or before January 24, 2022.<sup>2</sup>

KRS 278.300(2) provides that the Commission must adjudicate an application for authority to issue an evidence of indebtedness within 60 days of the date that the application was filed. KRS 278.300(2) also provides that the Commission can continue its review of the application for longer than 60 days upon a showing of good cause.

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<sup>1</sup> Bracken District tendered its application on December 17, 2021. By letter dated December 22, 2021, the Commission rejected the application, due to certain filing deficiencies. The deficiencies were subsequently cured and the application is deemed filed as of December 22, 2021.

<sup>2</sup> Application at 7.

The Commission will consider Bracken District's request that a final Order be issued in this matter on or before January 24, 2022, and use its best efforts in processing this matter. However, the Commission does not warrant that a final Order will be issued in the timeframe requested by Bracken District.

The Commission finds that a procedural schedule should be established for the orderly processing of this case. A procedural schedule is set forth in the Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed.
2. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. 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 July 22, 2021 Order in Case No. 2020-00085<sup>3</sup> regarding filings with the Commission.
3. 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 that 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 undue

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<sup>3</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

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 that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service 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 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.

4. Bracken District shall give notice of any scheduled 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](http://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 listing on the PSC website, [psc.ky.gov](http://psc.ky.gov)." At the time publication is requested, Bracken District shall forward a duplicate of the notice and request to the Commission.

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

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

7. 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.

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

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For the Commission

ENTERED  
JAN 07 2022 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2021-00467

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00467 DATED JAN 07 2022

Last day for intervention requests to be accepted.....01/13/2022

All initial requests for information to Bracken District  
shall be filed no later than ..... 01/14/2022

Bracken District shall file responses to initial requests for  
information no later than..... 01/21/2022

All supplemental requests for information to Bracken District  
shall be filed no later than ..... 01/28/2022

Bracken District shall file responses to supplemental requests  
for information no later than ..... 02/04/2022

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