

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-)	
AMERICAN WATER COMPANY TO AMEND)	CASE NO.
TARIFF TO REVISE QUALIFIED)	2022-00032
INFRASTRUCTURE PROGRAM CHARGE)	

ORDER

On April 15, 2022, Kentucky-American Water Company (Kentucky-American) filed a motion requesting a deviation from the notice requirements of 807 KAR 5:011, Section 8(2). This regulation requires a utility to publish notice of a rate adjustment once a week, for three consecutive weeks in a prominent manner in a newspaper of general circulation in the utility’s service area, with the first publication to be made no later than the date the tariff filing is submitted to the Commission.

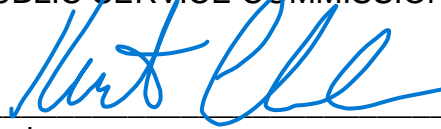
Kentucky-American explained that 13 of the 14 newspapers in its service territory ran the notice at least one time prior to Kentucky-American’s March 1, 2022 filing of its application with the Commission, and that one newspaper, the *Owenton News Herald*, did not run the first notice until March 2, 2022, which was one day late. Kentucky-American further explained this newspaper did publish the notice three times, but the first publication was delayed by a day due to an inadvertent error and asserted that as soon as the error was realized, it was rectified by making sure the first notice ran no later than March 2, 2022. Kentucky-American noted the newspaper with the largest circulation in Kentucky-American’s service territory, the *Lexington Herald-Leader*, published the notice correctly for three consecutive weeks beginning on February 25, 2022.

Kentucky-American asserted that, despite the deviation noted above, notice was published in each county of its service territory three times, and that notice was further supplemented by posting at Kentucky-American's offices and on Kentucky-American's website. Kentucky-American argued that its substantial compliance with the Commission's regulations has met the purpose of the notice requirement

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that Kentucky-American has established good cause to permit a deviation from the notice requirement for the reasons that follow. The deviation that Kentucky-American seeks only affects the first publication of its notice in one newspaper out of numerous publications in numerous newspapers. The customer notice was published in conformity with the regulation with the exception that the first publication in the *Owenton News Herald* was one day late.

IT IS THEREFORE ORDERED that Kentucky-American's motion to deviate from the Commission's notice requirements set forth in 807 KAR 5:011, Section 8(2) is granted.

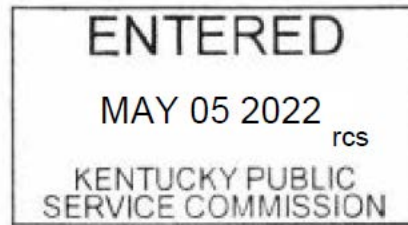
PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman

Commissioner



ATTEST:


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