

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF MOUNTAIN	)	CASE NO.
WATER DISTRICT FOR A GENERAL	)	2022-00367
ADJUSTMENT OF SEWER RATES	)	

ORDER

This matter arises from an application for a general rate adjustment filed by Mountain Water District (Mountain District) on February 23, 2023.<sup>1</sup> On July 24, 2023, the Commission, on its own motion, scheduled an evidentiary hearing in this matter to be held on August 16, 2023. On July 27, 2023, Mountain District filed a waiver of its right to a hearing and moved that the evidentiary hearing in this matter be canceled and that this matter be submitted for a decision on record, except to permit the filing of a final report on rate case expenses no later than August 15, 2023. Mountain District's motion is now before the Commission for a decision.

LEGAL STANDARD

Section 9(1)(a) and (b) of 807 KAR 5:001 states that:

Unless a hearing is not required by statute, is waived by the parties in the case, or is found by the commission to be unnecessary for protection of substantial rights or not in the public interest, the commission shall conduct a hearing if:

- (a) An order to satisfy or answer a complaint has been made and the person complained of has not satisfied the complaint; or
- (b) A request for hearing has been made.

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<sup>1</sup> Mountain District tendered its application on February 17, 2023. By letter dated February 20, 2023, the Commission rejected the February 17, 2023 application for filing deficiencies. The deficiencies were subsequently cured, and the application is deemed filed on February 23, 2023.

Furthermore, Section 9(2)(b)(1) of 807 KAR 5:001 authorizes the Commission to “order an applicant to give notice to the public of any hearing on the applicant’s application,” and requires the Commission to “order an applicant for a general adjustment of rates [. . .] to give notice of any hearing on its application.”

### DISCUSSION

In its motion, Mountain District pointed to the fact there are no intervenors in this matter, that it has responded to requests for information from Commission Staff, and it argued the record is adequate for the Commission to render a decision on its application, which would result in significant savings in time and resources to Mountain District.

Having reviewed the record in this case and being otherwise sufficiently advised, the Commission finds that an evidentiary hearing is still necessary for it to be fully informed on the proposed rate increase and make a decision in this matter. While Mountain District has waived its right to a hearing, and the Commission is sensitive to the cost associated with such proceedings, the Commission finds that Mountain District’s motion should be denied, as there are issues to be examined further at the hearing, and a hearing is in the public interest and necessary for the protection of substantial rights.

IT IS HEREBY ORDERED that:

1. Mountain District’s July 27, 2023 motion to cancel the hearing in this matter and to submit the case on the record is denied.
2. The evidentiary hearing in this matter shall proceed on August 16, 2023, pursuant to the Commission’s July 24, 2023 Order.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ENTERED

AUG 03 2023 rcs

KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2022-00367

\*Gerald E Wuetcher  
Attorney at Law  
STOLL KEENON OGDEN PLLC  
300 West Vine Street  
Suite 2100  
Lexington, KENTUCKY 40507-1801

\*Mountain Water District  
6332 Zebulon Highway  
P. O. Box 3157  
Pikeville, KY 41502-3157

\*Tammy Olson  
Mountain Water District  
P. O. Box 3157  
Pikeville, KY 41502