

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KIRKSVILLE)	CASE NO.
WATER ASSOCIATION, INC. FOR A RATE)	2023-00258
ADJUSTMENT PURSUANT TO 807 KAR 5:076)	

ORDER

On August 12, 2023,¹ Kirksville Water Association, Inc. (Kirksville Water) filed its application with the Commission requesting an adjustment to its Water rates pursuant to 807 KAR 5:076. Kirksville Water filed this application in response to the Commission’s November 7, 2022 Order in Case No. 2022-00197.² In that proceeding, Kirksville Water was ordered to file an application by June 30, 2023, for either a general rate adjustment pursuant to 807 KAR 5:001, Section 16, or for an alternative rate adjustment (ARF) pursuant to 807 KAR 5:076 to ensure its revenue is sufficient to support adequate and reliable service.

The Commission finds that a procedural schedule³ should be established to ensure the orderly review of Kirksville Water’s application. The procedural schedule is attached as Appendix A to this Order.

¹ Kirksville Water tendered its application on July 31, 2023. By letter dated August 2, 2023, the Commission rejected the application for filing deficiencies. The deficiencies were subsequently cured, and the application is deemed filed on August 12, 2023.

² See Case No. 2022-00197, *Kirksville Water Association, Inc. and its Individual Directors, Armon Sanders, Wayne Long, Alfred Winkler, Randal Webb, Bobby Powell, and Manager Mike Agee Alleged Failure to Comply with KRS 278.300 and KLRs 278.020* (Ky. PSC Nov. 7, 2022).

³ No action is necessary to suspend the effective date of Kirksville Water’s proposed rates for service. Pursuant to 807 KAR 5:076, Section 7(1), an applicant who applies for a rate adjustment pursuant

In addition, Kirksville Water shall file on or before the date set forth in the procedural schedule its responses to the Commission Staff's request for information, attached to this Order as Appendix B, and shall respond to any future requests for information propounded by Commission Staff by the date or dates set forth on any such requests.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in Appendix A to this Order shall be followed.

2. On or before the date set forth in the procedural schedule, Kirksville Water shall file its responses to the Commission Staff's request for information, attached to this Order as Appendix B.

3. Kirksville Water shall respond to any additional requests for information propounded by Commission Staff as provided in those requests.

4. No later than the date set forth in the procedural schedule, Commission Staff shall file with the Commission and serve upon all parties of record a written report (Commission Staff's Report) containing its recommendations regarding Kirksville Water's requested rate adjustment.

5. No later than 14 days after the date of service of the Commission Staff's Report, each party of record shall file with the Commission:

a. Its written comments on and any objections to the findings contained in the Commission Staff's Report; and

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.

b. Any additional evidence for the Commission to consider.

6. If Commission Staff recommends that Kirksville Water's financial condition supports a higher rate than Kirksville Water proposes or the assessment of an additional rate or charge not proposed in Kirksville Water's application, Kirksville Water in its response to the Commission Staff's Report shall also state its position in writing on whether the Commission should authorize the assessment of the higher rate or the additional rate or charge.

7. If Commission Staff recommends that changes should be made to the manner in which Kirksville Water accounts for the depreciation of Kirksville Water's assets, Kirksville Water in its response to the Commission Staff's Report shall also state its position in writing on whether the Commission should require Kirksville Water to implement the proposed change for accounting purposes.

8. A party's failure to file written objections to a recommendation contained in the Commission Staff's Report within 14 days after the date of the filing of the Commission Staff's Report shall be deemed a waiver of all objections to that finding.

9. If a party requests a hearing or informal conference, then the party shall make the request in its written comments and state the reason a hearing or informal conference is necessary.

10. A party's failure to request a hearing or informal conference in the party's written response shall be deemed a waiver of all rights to a hearing on the application and a request that the case stand submitted for decision.

11. A party's failure to file a written response within 14 days after the date of service of the Commission Staff's Report shall be deemed a waiver of all rights to a hearing on the application.

12. 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 unduly complicating or disrupting the proceedings. 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 the utility 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.

13. Any motion to intervene filed after the date established in the procedural schedule attached as Appendix A 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.

14. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085⁴ regarding filings with the Commission.

⁴ 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).

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
AUG 30 2023 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00258 DATED AUG 30 2023

Requests for intervention shall be filed no later than09/07/2023

All requests for information to Kirksville Water
shall be filed no later than09/14/2023

Kirksville Water shall file responses to requests
for information no later than09/28/2023

All supplemental requests for information to
Kirksville Water shall be filed no later than10/12/2023

Kirksville Water shall file responses to supplemental
requests for information no later than10/26/2023

Commission Staff's Report shall be filed no later than12/07/2023

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00258 DATED AUG 30 2023

COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION
TO KIRKSVILLE WATER ASSOCIATION, INC.

Kirksville Water Association, Inc. (Kirksville Water), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on September 28, 2023. The Commission directs Kirksville Water to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the 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.

Kirksville Water shall make timely amendment to any prior response if Kirksville Water obtains information that indicates the response was incorrect or incomplete when

¹ 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).

made or, though correct or complete when made, is now incorrect or incomplete in any material respect.

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

Careful attention shall be given to copied and scanned 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. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Kirksville Water shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Provide copies of each of the following, and when appropriate, provide in Excel spreadsheet format with all formulas, rows, and columns fully accessible and unprotected. Employee names should be redacted from all documents.

- a. The general ledger in Excel spreadsheet format for the years ended December 31, 2022 and year to date 2023.

- b. The trial balance in Excel spreadsheet format for the years ended December 31, 2022, and year to date 2023. Provide certificates of insurance and most recent invoices for general liability, workers' compensation, automobile, property, and casualty for 2022 and 2023.

c. Provide a description of all employee benefits, other than salaries and wages, paid to or on behalf of each employee for the calendar years 2022. Supplemental coverage for which the employee pays 100 percent of the cost should also be included. Employee names should be redacted from all documents.

d. Provide a copy of one invoice for 2023 for each employee benefit described above.

2. In Excel spreadsheet format with all formulas, rows, and columns fully accessible and unprotected, provide a document that lists each position (Position 1, Position 2, etc.), job title, hours worked, pay rates, total wages paid, and total FICA cost for each employee on December 31, 2022, and as of June 30, 2023. Include the date the employee was hired and, if applicable, the employee's termination date. If a position is recently vacated but the intent is to fill it, note the vacancy and the amount of time that it has been vacant. The spreadsheet should include a column for total wages by employee (regular wages and overtime) and a row for total wages for all employees. Employee names should be redacted from all documents.

3. Using the same spreadsheet that lists each position and wage information, list each employee benefit (medical, dental, life, and others), the employee's contribution, the employer premium contribution, and the adjustment based on Bureau of Labor Statistics (BLS) contribution rates, if applicable. If health insurance is provided, designate the coverage type (i.e., single, family, couple, or parent plus). If benefits other than medical insurance are provided, include a total column for the cost of all benefits excluding the BLS adjustment.

4. Provide the minutes from the board of directors' meetings for the calendar year 2022 and year-to-date 2023.

5. Provide the following information related to billing software:

a. Brand or common name for software.

b. State whether the software is locally installed on a utility-owned computer or is a subscription service that is internet based.

c. If locally installed, state the installation date.

d. State whether the system is still serviced by the manufacturer and whether the utility maintains a service contract.

e. Provide the dates of the most recent training that Kirksville Water billing software users received on the system.

6. Provide a document listing the names of each member of the board of directors for Kirksville Water for each of the calendar years 2022 and year-to-date 2023 and state, individually, the total amount of each benefit paid to, or on the behalf of, each director during each year (i.e., wages, health insurance premiums, life insurance premiums, FICA taxes, etc.), their term (beginning and ending), and current authorized annual compensation.

7. Provide authorizing documentation for each director's compensation.

8. Provide training records for each director for 2021, 2022, and year-to-date 2023.

9. Refer to the Water Statistics page of the Annual Reports that are filed with the Commission for the years ended December 31, 2017, through December 31, 2022.² Water loss ranges from a low of 15.76 percent in 2020 to 22.96 percent in 2022 with an average of 20.55 percent for 2018 through 2022.

a. Describe efforts to reduce water loss and quantify success for the period 2018 through 2022.

b. Provide of the quantity of installed meters (may be grouped by age), water loss testing history, and the average number and age of meters that are replaced each year.

c. Describe the capital planning process and provide details of the plan for the period 2023 through 2027. For each project include estimated cost, sources of funding, overall purpose of project (i.e., water loss, asset age, system expansion, etc.), estimated life of asset, and estimated rate impact per thousand gallons.

10. Refer to Application, Attachment 5, Schedule of Adjusted Operations.

a. Provide the workpapers and other supporting documentation for each pro forma adjustment described in the Reference column of the Schedule of Adjusted Operations. Provide in Excel spreadsheet format with all formulas, columns, and rows unprotected and fully accessible.

b. State where forfeited discounts and nonrecurring charges are reported in the Schedule of Adjusted Operations.

² Kirksville Water Association, Inc. Annual Reports for Report Years 2017 (filed Jun. 28, 2018), 2018 (filed Jun. 24, 2019), 2019 (filed Mar. 31, 2020), 2020 (filed Mar. 31, 2021), 2021 (filed Jul. 14, 2022), 2022 (pending review and acceptance by PSC).

c. Describe the source of Grant revenue of \$316,931 and state why the association expects the income to recur.

d. Describe the components of Miscellaneous income of \$12,827 and state the amount that is expected to recur.

11. Provide the number of gallons of water purchased by month by supplier, the cost of monthly purchases by supplier, and the average monthly cost of purchases for all suppliers and in total for the year ended December 31, 2022, and year-to-date 2023.

12. Provide updated cost justification sheets for all meter or tap fee charges listed in the current tariff.

13. Provide the number of occurrences and the dollar amount for late fees that were recorded during each of 2021 and 2022.

14. Provide the total amount recorded in the General Ledger for each nonrecurring charge, the number of occurrences, and the General Ledger accounts where the revenue was recorded during each of 2021 and 2022.

15. Provide updated cost justification sheets for all nonrecurring charges listed in the current tariff.

16. Refer to the Application, Attachment 7, Current Billing Analysis – 2022 Existing Rates (BA-Existing Rates) and Current Billing Analysis – 2022 Proposed Rates (BA-Proposed Rates). Provide a copy of these attachments in Excel spreadsheet format with all formulas, rows, and columns unprotected and fully accessible.

17. Refer to Application Attachment 7, BA-Existing Rates and BA-Proposed Rates.

a. Identify the wholesale customers that are served by the “Wholesale Revenue Rate Increment” of \$1.55 per thousand gallons as an Existing Rate and the Wholesale customers served on the rate stated as \$1.32 per thousand gallons on the proposed schedules.

b. Explain the reason for the decrease in the proposed rate given that the Kirksville Water has proposed a 5.18 percent increase in rates in its retail rates.

c. Provide any Tariff page that states the above current rate of \$1.55 rate.

d. Explain why there is a difference between the proposed rate in the billing analysis of \$1.32 per thousand gallons and the proposed wholesale rate in the notice which states \$.00328 per gallon.

18. Refer to Kirksville Water’s current tariff dated September 9, 2022, Section II (Rules and Regulations), Item C (Billings, Meter Readings, and Related Information) Item 4 (Frequency of meter reading) on page 13 (Sheet No. 12).

a. Provide the date that the billing cycle begins (meter read date).

b. State whether the date that the billing cycle begins is the date that would be best stated as the effective date of any order the Commission issues concerning rates in this case.

19. State the last time a cost of service study (COSS) was performed to review the appropriateness of its current rates and rate design.

a. Explain whether conducting a COSS was considered for the current rate application and the reasoning for not filing one.

b. Explain whether any material changes to the utility's system would cause a new COSS to be prepared since the last time one was completed.

c. If there have been no material changes to the utility's system, explain when preparation of a new COSS anticipated.

d. Provide a copy of the most recent COSS in Excel spreadsheet format with all formulas, rows, and columns fully accessible and unprotected.

*Ashley Owens
Office Manager
Kirksville Water Association, Inc.
P. O. Box 1150
Richmond, KY 40476

*Kirksville Water Association, Inc.
1613 Foxhaven Drive
P. O. Box 1150
Richmond, KY 40475

*Honorable Jud Patterson
Patterson Law Office, PLLC
228A. West Main Street
P.O. Box 825
Richmond, KENTUCKY 40475