

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-)	
AMERICAN WATER COMPANY FOR A)	CASE NO.
BALANCING ADJUSTMENT FOR ITS QIP)	2023-00300
CHARGE)	

ORDER

On September 28, 2023, Kentucky-American Water Company (Kentucky-American) filed a tariff to balancing adjustment and revised tariff with the Commission to true up its Qualified Infrastructure Program (QIP) actual and estimated costs, and to revise the QIP charge in its tariff consistent with the balancing adjustment. Kentucky-American proposed an effective date of February 6, 2024.

KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. Pursuant to KRS 278.180(1), no change in utility rates is permitted except upon 30 days' notice to the Commission. Therefore, since the application was accepted for filing as of September 28, 2022, the earliest date that Kentucky-American's proposed rates can be effective is October 28, 2022. Having reviewed the proposed tariff and being otherwise sufficiently advised, the Commission finds that an investigation is necessary to determine the reasonableness of the proposed tariff and that such investigation cannot be completed by February 6, 2024. Pursuant to KRS 278.190(2), the Commission will, therefore, suspend the effective date of the proposed tariff for five months, up to and including March 27, 2024.

The Commission directs Kentucky-American to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ in which the Commission mandated the use of electronic filing procedures listed in 807 KAR 5:001, Section 8. The Commission finds that electronic filing procedures is used, consistent with the filing procedures set forth in Case No. 2020-00085.

The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed tariff. The procedural schedule is attached as an Appendix to this Order.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of the proposed tariff.

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).

2. Kentucky-American's proposed tariff is suspended for five months from October 28, 2023, up to and including March 27, 2024.

3. The procedural schedule set forth in the Appendix to this Order shall be followed.

4. 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, 2022 Order in Case No. 2020-00085 regarding filings with the Commission.

5. 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, which 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. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as -
3- Case No. 2022-00328 those are the only matters that are subject to the Commission's jurisdiction.² 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

² Case No. 2022-00328, *Electronic Application of Kentucky-American Water Company for a Balancing Adjustment for Its QIP Charge* (Ky. PSC Mar. 2, 2023).

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 attached 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.


6. Accordingly, motions for extension of time with respect to the procedural schedule in the Appendix shall be made in writing and will be granted only upon a showing of good cause.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00300 DATED OCT 26 2023

Requests for intervention shall be filed no later than 11/03/2023

Initial requests for information to Kentucky-American
shall be filed no later than 11/10/2023

Kentucky-American shall file responses to
initial requests for information no later than..... 12/01/2023

All supplemental requests for information to Kentucky-American
shall be filed no later than 12/22/2023

Kentucky-American shall file responses to supplemental requests
for information no later than 01/09/2024

Kentucky-American or any Intervenor shall request either a
hearing or that the case be submitted for decision
based on the record no later than.....01/13/2024

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