

Commonwealth of Kentucky
Before the Public Service Commission

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MAY 6 2005

PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF HENDERSON COUNTY)
WATER DISTRICT FOR APPROVAL OF A) Case No. 2005-00072
PROPOSED INCREASE IN RATES FOR WATER)
SERVICE AND REQUEST FOR DEVIATION)
FROM 807 KAR 5:001, SECTION 10(2) AND 807)
KAR 5:011, SECTION 8(1) WHICH REQUIRES)
IT TO GIVE 4 WEEKS NOTICE OF ITS INTENT)

**Attorney General's Notice
Regarding Application for Rehearing**

The Attorney General submits the following notice regarding Henderson County Water District's application for rehearing. The District seeks rehearing of the Commission's 28 April 2005 Order. The basis for the request is the District's omission of information concerning customers with a three-inch connection. As a consequence of this omission, the Commission did not review and approve rates for this class of customers in the April 28th Order.

The District submits that "the inclusion of these rates does not affect test year information or other financial or statistical data" in its application. If this is the case, the Attorney General does not object to the District's request for a "complete" tariff because the request does not appear to require any change in the Commission's reasoning.

He does submit; nonetheless, that fault for the omission does not rest with the Commission. While the Commission has the power to correct clerical errors in its orders, the District's omission of information in its application is not an event that permits relief via a *nunc pro tunc* order. *Mike Little Gas Company, Inc., v. Public Service Commission*, 574 S.W.2d 926 (Ky.App. 1978). Hence, rates for the three-inch customers, if approved, may not relate back to 28 April 2005.

Respectfully submitted,

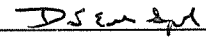
GREGORY D. STUMBO
ATTORNEY GENERAL

David Edw Spenard

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Certificate of Service and Filing

Counsel certifies that the original and ten photocopies of this Notice were served and filed by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, it was served by mailing a true and correct of the same, first class postage prepaid, to David C. House, Henderson County Water District, P. O. Box 655, Henderson, Kentucky 42419-0655, and Frank N. King, Jr., Dorsey, King, Gray, Norment & Hopgood, 318 Second Street, Henderson, Kentucky 42420, all on this 6th day of May 2005.



Assistant Attorney General