

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF WATER SERVICE )  
CORPORATION OF KENTUCKY FOR A ) CASE NO. 2015-00382  
GENERAL ADJUSTMENT OF EXISTING )  
RATES )

ORDER

On January 4, 2016, Commission Staff filed its Second Request for Information (“Staff’s Second Request”) to Water Service Corporation of Kentucky (“WSKY”) into the record. On January 19, 2016, WSKY filed responses to Staff’s Second Request and also filed a Petition for Deviation concerning its response to Item 7 of the request. Through this Order we grant the petition to deviate with regard to Staff’s Second Request, Item 7; however, after careful review, the Commission finds that WSKY’s January 19, 2016 filing is not in compliance with the Commission’s administrative regulations.

Commission Staff further filed its Third Request for Information (“Staff’s Third Request”) on January 29, 2016. WSKY filed its responses to Staff’s Third Request on February 10, 2016. The Commission finds that this filing is likewise not in compliance with the Commission’s administrative regulations.

On November 23, 2015, WSKY submitted a Notice of Election of Use of Electronic Filing Procedures.<sup>1</sup> For a case in which electronic filing procedures are used, 807 KAR 5:001, Section 8(3), requires, in pertinent part, that WSKY file with the

---

<sup>1</sup> Notice of Election of Use of Electronic Filing Procedures (filed Nov. 23, 2015).

Commission one copy in paper medium of all papers filed with the Commission by electronic submission.

Staff's Second Request, Item 7, requires WSKY to, among other things, provide a copy of a consumption analysis. Pursuant to 807 KAR 5:001, Section 8(3), WSKY was required to file an electronic version and a paper version of the consumption analysis. In response to the request, WSKY uploaded some of the files associated with the response into the Commission's E-Filing System and provided a compact disc containing all of the files associated with the response.<sup>2</sup> WSKY states that "it is estimated that the printed copy [of its response to Staff's Second Request, Item 7,] would comprise over 200,000 pages."<sup>3</sup> WSKY states that it should be granted a deviation from the requirement of filing a paper copy of its response to Staff's Second Request, Item 7, due to the voluminous nature of the material for the response.<sup>4</sup>

Having reviewed the petition and record, we find that the consumption analysis is voluminous, and that WSKY has established good cause to deviate from 807 KAR 5:001, Section 8(3). The compact disc filed with the responses filed on January 19, 2016, is sufficient to substitute for the uploading of the electronic version and filing of the paper version of the consumption analysis required by 807 KAR 5:001, Section 8(3). However, we find that even with the grant of this deviation, WSKY's January 19, 2016 and February 10, 2016 filings fail to comply with our administrative regulations.

---

<sup>2</sup> Petition for Deviation (filed Jan. 19, 2016) at 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

Firstly, 807 KAR 5:001, Section 8(4)(b), states:

b. Except as established in paragraph (a) of this subsection,<sup>5</sup> each file in an electronic submission shall be:

1. In portable document format;
2. Search-capable;
3. Optimized for viewing over the Internet;
4. Bookmarked to distinguish sections of the paper, except that documents filed in response to requests for information need not be individually bookmarked; and
5. If scanned material, scanned at a resolution of 300 dots per inch.

807 KAR 5:001, Section 8(4)(c), states:

If, pursuant to Section 4(12) of this administrative regulation, a party is requested to file information in the form of an electronic spreadsheet, the file containing the spreadsheet shall be submitted in an Excel spreadsheet format.

The Commission finds that the electronic version of WSKY's January 19, 2016 filing contains Excel files submitted in support of its responses to Staff's Second Request, Items 3, 4, 9, 10, 13, 15, 20, 21, 27, 28, 29, 31, and 40. The Commission finds that Staff's Second Request, Items 9 and 10, requested the submission of information in an Excel file; therefore, pursuant to KRS 807 KAR 5:001, Section 8(4)(c), WSKY was required to include the Excel files for its responses in the electronic version for these two items. For the remaining items, we find that rather than submitting the

---

<sup>5</sup> 807 KAR 5:001, Section 8(4)(a), addresses audio and video files. Because WSKY's January 19, 2016 filing did not contain an audio or video file, the exception has no application in this instance.

entirety of each response as a Portable Document Format (“PDF”) file in its electronic filing, WSKY utilized Excel files in creating the electronic version of its filing. Similarly, WSKY’s responses to Staff’s Third Request include 13 Excel files provided for Items 6.c., 9, 10, 11.a., 11.b., 14.a., 15, 18.b., 20.a., 21, 22, 28, and 29, while the entirety of these have not been included in the PDF of its electronic filing. Consequently, portions of each response fail to comply with our administrative regulations for an electronic filing which require each file in an electronic submission to be in a PDF and otherwise in conformity with the 807 KAR 5:001, Section 8(4)(b).

While WSKY may, in its responses, include Excel files that have not been requested but which it believes are helpful and pertinent, WSKY cannot satisfy the requirements of 807 KAR 5:001, Section 8(4)(b), by supplying information through Excel files in lieu of a PDF. 807 KAR 5:001, Section 8(4)(b), requires, among other things, information to be search-capable and optimized for viewing over the Internet in order to render the responses in the electronic version easier to review and search. In the interest of search capability, we encourage maximizing the amount of documentation, to a reasonable extent, in the PDF filing. We find that WSKY should be required to comply with 807 KAR 5:001, Section 8(4)(b), and re-file its electronic responses to Staff’s Second Request, Items 3, 4, 13, 15, 20, 21, 27, 28, 29, 31, and 40, and Staff’s Third Request, Items 6.c., 9, 10, 11.a., 11.b., 14.a., 15, 18.b., 20.a., 21, 22, 28, and 29, to include all items not included in the original PDFs.<sup>6</sup>

---

<sup>6</sup> The Commission again notes that it is permissible for WSKY to include an unrequested Excel file with a response. However, we note that that in the absence of the grant of a deviation, per 807 KAR 5:001, Section 8(4)(b), a PDF version of the Excel file must be filed.

Secondly, 807 KAR 5:001, Section 8, requires WSKY to file one copy in paper medium and an electronic version. 807 KAR 5:001, Section 8(7)(a), requires the filing party to certify that “[t]he electronic version of the paper is a true and accurate copy of each paper filed in paper medium.” We find that there are several responses for which WSKY has provided documents in the paper copy that fail to appear in the electronic version. The responses to Staff’s Second Request, Items 9, 10, 15, 27, 28, 31, and 40, in paper medium contain materials that are missing from the electronic version. We find that WSKY’s re-filing of its electronic responses to Staff’s Second Request, Items 15, 27, 28, 31, and 40, with the missing material included as required by 807 KAR 5:001, Section 8(4)(b), will correct the omissions from the electronic version for these items. We also find that WSKY should be required to re-file the electronic version of its responses to Staff’s Second Request, Items 9 and 10, to include the Excel files that were omitted from the electronic version for these latter two items.

Lastly, the documents currently accompanying the response to Staff’s Second Request, Item 39, are incorrectly labeled in both paper and electronic versions, referencing “Staff DR 2.40.” Likewise, the documents accompanying the response to Staff’s Second Request, Item 40, are incorrectly labeled in both paper and electronic versions, referencing “Staff DR 2.03.” These responses should be revised and re-labeled.

IT IS THEREFORE ORDERED that:

1. Within 14 days of the date of this Order, WSKY shall file a revised electronic version of its responses to Staff’s Second Request, Items 3, 4, 13, 15, 20, 21, 27, 28, 29, 31, and 40, and Staff’s Third Request, Items 6.c., 9, 10, 11.a., 11.b., 14.a.,

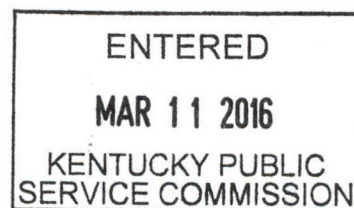
15, 18.b., 20.a., 21, 22, 28, and 29, that comply with 807 KAR 5:001, Section 8(4)(b). If an Excel file relied upon in a response has previously been provided in this proceeding in the requested format, the revised responses shall include the specific location of that information.

2. Within 14 days of the date of this Order, WSKY shall file a revised electronic version of its responses to Staff's Second Request, Items 9 and 10, that includes all of the material filed in paper medium.

3. Within 14 days of the date of this Order, WSKY shall file a revised copy in paper medium and a revised electronic version of its responses to Staff's Second Request, Items 39 and 40, that contains a correct reference to the material that accompanies these responses.

4. WSKY's motion for a deviation from the requirements of 807 KAR 5:001, Section 8(3), requiring the filing of a paper copy of WSKY's entire response to Staff's Second Request, Item 7, is granted. The copy in paper medium and electronic version filed on January 19, 2016, satisfy WSKY's filing requirements for this item.

By the Commission



ATTEST:

  
Acting Executive Director *for*

\*Gregory T Dutton  
Assistant Attorney General  
Office of the Attorney General Utility & Rate  
1024 Capital Center Drive  
Suite 200  
Frankfort, KENTUCKY 40601-8204

\*Water Service Corporation of Kentucky  
2335 Sanders Road  
Northbrook, IL 60062-6196

\*Mary B Potter  
113 North Washington Street  
Clinton, KENTUCKY 42031

\*M. Todd Osterloh  
Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street  
Suite 1400  
Lexington, KENTUCKY 40507