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ADMITTED IN KY AND WV

August 28, 2018

Public Service Commission
P.O. Box 615
Frankfort, KY 40602

RE: Martin County Water District
PSC Case No. 2016-00142

To Whom It May Concern:

Enclosed please find an original and six (6) copies of Motion for Leave to Electronically File regarding the above matter.

Thank you for your attention to this matter.

Very truly yours,

BRIAN CUMBO

BC/ld
Enclosure

AUG 31 2018

PUBLIC SERVICE
COMMISSION

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF THE OPERATING)	
CAPACITY OF MARTIN COUNTY WATER)	CASE NO. 2016-00142
DISTRICT PURSUANT TO KRS 278.280)	

MOTION FOR LEAVE TO ELECTRONICALLY FILE

Comes the Martin County Water District (“District”), by counsel, and pursuant to 807 KAR 5:001 Section 8, and moves the Commission for an Order, permitting the District to file electronically for all future filing requirements.

As grounds therefore, said electronic filing will be more efficient, enable the District to more timely comply, and lessen the financial impact of the filing requirements imposed upon the District in this matter.

That the Intervenor, Martin County Concerned Citizens, has indicated they have no objection to the electronic filing process, and a copy of the email from their attorney, Mary Cromer, is attached hereto as Exhibit A to this Motion.

Wherefore, counsel requests appropriate Orders of the Commission consistent with this Motion.



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CERTIFICATE OF SERVICE

This will certify that a true and correct copy of the foregoing was emailed and mailed, postage paid, on this the 28 day of August, 2018, to the following:

Public Service Commission (*Via Email & USPS*)
P.O. Box 615
Frankfort, KY 40602
brittany.koenig@ky.gov

Hon. Mary Varson Cromer (*Via Email only*)
Appalachian Citizens' Law Center, Inc.
317 Main Street
Whitesburg, KY 41858
mary@appalachianlawcenter.org

Hon. M. Todd Osterloh (*Via Email only*)
Hon. James Wilson Gardner
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street, Ste. 1400
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BRIAN CUMBO

Cumbo Law

From: Mary Cromer <mary@appalachianlawcenter.org>
Sent: Thursday, August 23, 2018 9:55 AM
To: Koenig, Brittany H (PSC)
Cc: Cumbo Law; James Gardner; Todd Osterloh; Pinney, Jeb E (PSC); Bowker, Andrew (PSC); Bruner, Brandon S (PSC)
Subject: Re: Case No. 2018-00017 - Martin Water District

Good morning,

MCCC will consent to e-filing.

Thank you,
Mary

On Thu, Aug 23, 2018 at 9:51 AM, Koenig, Brittany H (PSC) <brittany.koenig@ky.gov> wrote:

Mr. Cumbo,

Thank you for your letter. I spoke with Brandon Bruner and Renee Smith in the filing department yesterday and they also explained the problem that your staff had filing with the electronic procedures referenced in the Order granting your extension. Martin County Water District must file to elect to use electronic procedures in 2018-00017 in order to file according to the electronic procedures in 807 KAR 5:001, Section 8. Despite that fact, based on my conversation with you on Tuesday, I still thought you might make the filing deadline because you told me you had already “overnight” the paper copy. I understand that you were making all efforts in good faith to comply with the Order and apologize for the confusion from the Order asking you to use electronic procedures instead of granting your request to file “on disk”. There was additional confusion based upon the fact that staff discussed the process to move to elect electronic procedures in the same conversation where we were discussing the current motion for extension.

PSC Filings Staff went to the post office to check for your filing yesterday afternoon and it had not been delivered by 4:30pm. It was however, delivered this morning. Filings staff recommends that in the future, you use Fed Ex or UPS for accurate overnight deliveries to meet specific deadlines. Because the Post Office guarantees delivery to the Frankfort post office the next day, does not mean it will be processed and delivered to the PSC. A filing will not be stamped filed unless it is delivered to the PSC during business hours.

Your filing was received this morning and will be marked with today’s date and I will explain to the Commissioners what happened and how the Order asked you to comply with electronic procedures, but you could not. I will explain that every effort was made in good faith. Additionally, I will explain that no other parties were at a disadvantage, as the parties had actual delivery of the materials earlier in the week.

Finally, as referenced, please move forward with the motion to elect electronic procedures, so that you are able to take advantage of the benefit of filing electronically in the future and make sure to note if you have the consent of MCCC to change the case to an electronic one. Hopefully, that will ease the technical difficulties that you have experienced so far. Again, I apologize for the confusion caused by the language in the Order granting your extension and I will explain the course of events to the Commissioners to show your good faith in attempting to comply.

Thank you,

Brittany

