

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PROPOSED ADJUSTMENT OF ) CASE NO.  
THE WHOLESALE WATER SERVICE RATES OF ) 2017-00417  
LEBANON WATER WORKS )

ORDER

On September 13, 2017, Lebanon Water Works (“Lebanon Water”) filed with the Commission a revised tariff sheet setting forth proposed adjustments to its existing rates for wholesale water service to Marion County Water District (“Marion District”), effective on November 15, 2017. On September 25, 2017, Marion District, through counsel, submitted a letter requesting the Commission to “initiate a formal proceeding to investigate the reasonableness of the proposed rate, establish a procedural schedule that allows for discovery, and issue all orders necessary to ensure that the proposed rate is not placed into effect or otherwise assessed before the required hearing.” Marion District also asserts that under KRS 278.200 and the Supreme Court’s decision in *Simpson County Water District v. City of Franklin*, 827 S.W.2d 460 (Ky. 1994), “a rate set forth in a contract between a non-regulated entity (i.e. a municipally-owned water company) and a utility may not be charged until the Commission holds a hearing on the proposed change.” Marion District further requests that the Commission, pursuant to 807 KAR 5:001, Section 8, direct the use of electronic filing procedures for such proceeding.

On November 11, 2017, pursuant to KRS 278.190(2), the Commission filed an Order to suspend the effective date of the proposed rates for five months, up to and including April 14, 2018. Marion District was made a party to this proceeding and Lebanon Water was ordered to present its position on the use of electronic filing procedures in this proceeding. On November 21, 2017, Damon R. Tally, Gerald E. Wuetcher, and Mary Ellen Wimberly, of Stoll Keenon Ogden PLLC, filed an entry of appearance on behalf of Lebanon Water. Included in the entry of appearance was a statement that Lebanon Water possesses facilities to receive electronic transmissions and has no objections to the use of electronic filing.

807 KAR 5:001, Section 8(1) permits an applicant to use electronic filing procedures upon a timely election. Per 807 KAR 5:001, Section 8(2), an applicant is required to file with the Commission a written notice of its election to use electronic filing procedures at least seven days prior to the submission of the application. In the instant case, Marion District filed written notice of its election to use electronic filing procedures simultaneously with their objection to Lebanon Water's proposed adjustment of the wholesale water service rates.

The Commission finds that the instant case is in the early stages of the proceedings and that no party has sought intervention into the case. Further, Marion District promptly requested electronic filing upon filing their objection to Lebanon Water's proposed rate adjustment. The Commission finds that Marion District's request for use of electronic filing procedures should be granted.

IT IS THEREFORE ORDERED that:

1. Marion District's request for electronic filing for this case is granted.

2. The style of this case shall be amended to use the word "Electronic" as set forth above, and all future correspondence or filings in connection with this case shall reference the above style and case number.

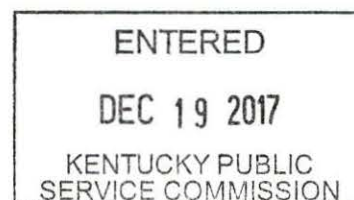
3. All documents submitted in this proceeding shall comply with the Commission's rules of procedure as set forth in 807 KAR 5:001, and any deviation from these rules shall be submitted in writing to the Commission for consideration.

4. Any party filing a paper shall upload an electronic version using the Commission's E-Filing System and shall file an original and one copy in paper medium.

5. Any request for confidential treatment of material submitted shall conform to the requirements of 807 KAR 5:001, Section 13.

6. Materials submitted to the Commission that do not comply with the rules of procedure or that do not have an approved deviation are subject to rejection pursuant to 807 KAR 5:001, Section 3.

By the Commission



ATTEST:

  
Executive Director

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