

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ELKHORN WATER )  
DISTRICT FOR RATE ADJUSTMENT ) CASE NO.  
PURSUANT TO 807 KAR 5:076 ) 2018-00145

ORDER

On April 30, 2018, the Commission received Elkhorn Water District's (Elkhorn District) application (Application) requesting to adjust its monthly water service rates pursuant to the procedures set forth in 807 KAR 5:076. By its letter of May 8, 2018, the Commission notified Elkhorn District of deficiencies in its Application. As of May 30, 2018, Elkhorn District had not filed its responses; therefore, the Commission issued a reminder letter.

On June 14, 2018, Elkhorn District filed the information necessary to cure five of the noted deficiencies and requested a deviation pursuant to 807 KAR 5:076, Section 4(1), from filing a detailed billing analysis showing its revenues from present and proposed rates from each customer class. On August 20, 2018, Elkhorn District filed the detailed billing analysis that was necessary to cure the remaining deficiency, and its Application was considered filed as of that date.

All requests for intervention should be filed by October 9, 2018. Any motion to intervene filed after October 9, 2018, should show a basis for intervention and good cause for being untimely. 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 have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction.

Based on the foregoing, the Commission further finds that 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 the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of water 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.

Finding that a procedural schedule should be established to ensure the orderly review of Elkhorn District's Application, the Commission HEREBY ORDERS<sup>1</sup> that:

1. No later than December 3, 2018, Commission Staff shall file with the Commission and serve upon all parties of record a written report containing its findings regarding Elkhorn District's requested rate adjustment.

2. No later than 14 days after the date of the filing of the Commission Staff Report, each party of record shall file with the Commission:

---

<sup>1</sup> No action is necessary to suspend the effective date of Elkhorn District's proposed rates for general water service. Pursuant to 807 KAR 5:076, Section 7(1), an applicant who applies for a rate adjustment pursuant to the procedures set forth in 807 KAR 5:076 may not place its proposed rates into effect until the Commission approves those rates or six months from the date the application is accepted for filing.

a. Its written comments on and any objections to the findings and recommendations contained in the Commission Staff Report; and

b. Any additional evidence for the Commission to consider.

3. If Commission Staff finds that Elkhorn District's financial condition supports a higher rate than Elkhorn District proposes or the assessment of an additional rate or charge not proposed in Elkhorn District's Application, Elkhorn District, in its responses to the Commission Staff Report, shall also state its position in writing on whether the Commission should authorize the assessment of the higher rate or recommend an additional rate or charge.

4. If Commission Staff recommends changes in the manner in which Elkhorn District accounts for the depreciation of Elkhorn District's assets, Elkhorn District, in its response to the Commission Staff Report, shall also state its position in writing on whether the Commission should require Elkhorn District to implement the proposed change for accounting purposes.

5. A party's failure to file written objections to a finding or recommendation contained in the Commission Staff Report within 14 days after the date of the filing of the Commission Staff Report shall be deemed as an agreement with that finding or recommendation.

6. A party's failure to request a hearing or informal conference in the party's written response shall be deemed a waiver of all rights to a hearing on the application and a request that the case stand submitted for a decision.

7. A party's failure to file a written response within 14 days after the date of the filing of the Commission Staff Report shall be deemed a waiver of all rights to a hearing on the application.

8. Any motion to intervene shall be filed no later than October 9, 2018.

9. Any motion to intervene filed after October 9, 2018, shall show a basis for intervention and good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission

ENTERED  
SEP 12 2018  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2018-00145

\*Elkhorn Water District  
7165 US 127 North  
P. O. Box 67  
Frankfort, KY 40602

\*Michael Dudgeon  
Chairman  
Elkhorn Water District  
P. O. Box 67  
Frankfort, KY 40602

\*Honorable Warner A Broughman, III  
Attorney At Law  
Warner A. Broughman III & Associates  
3161 Custer Drive  
Lexington, KENTUCKY 40517