

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF FRANKFORT)	
ELECTRIC & WATER PLANT BOARD OF AN)	CASE NO.
AMENDMENT TO WATER SUPPLY AGREEMENT)	2020-00269
WITH FARMDALE WATER DISTRICT)	

ORDER

On July 23, 2020, Frankfort Electric & Water Plant Board (Frankfort) filed with the Commission an amendment to its Water Supply Agreement (Amendment) with Farmdale Water District (Farmdale District). The Amendment extends the term of the Water Supply Agreement entered into between Frankfort and Farmdale District on January 18, 2011, for a term of 42 years from the date of the Amendment, which was entered into on July 6, 2020. As the Amendment was filed through the Commission's electronic Tariff Filing System on July 23, 2020, the earliest possible effective date for the Amendment is August 22, 2020.

KRS 278.030 provides that a utility may collect fair, just, and reasonable rates and that the service that it provides must be adequate, efficient, and reasonable. Having considered the proposed amendment and being otherwise sufficiently advised, the Commission finds that an investigation will be necessary to determine the reasonableness of the Amendment and that such an investigation cannot be completed by August 22, 2020. Pursuant to KRS 278.190, the Commission will, therefore, suspend the effective date of the Amendment for five months, up to and including January 21, 2021.

The Commission finds that Farmdale District, as the other party to the Amendment, has a significant interest in this proceeding and should be served with a copy of this Order and presented an opportunity to intervene in this proceeding. The Commission further finds that Farmdale District, or any other interested party, should file any motion to intervene, signed by counsel, no later than September 4, 2020.

The Commission finds that Frankfort, within seven days of the date entry of this Order, should have its counsel enter an appearance into this proceeding that contains the name, address, telephone number, fax number, and electronic mail address of counsel.

As 807 KAR 5:001, Section 8, permits the Commission to direct the use of electronic filing procedures for proceedings that we initiate on our own motion, we find that electronic filing procedures should be used. As such, Frankfort, and Farmdale District should they intervene, should follow the procedures set forth in 807 KAR 5:001, Section 8, when filing any document or paper in this matter.

The Commission further finds that a procedural schedule should be established to review the reasonableness of the Amendment. The procedural schedule is attached hereto as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of Frankfort's proposed Amendment.
2. Frankfort's proposed Amendment is suspended for five months from August 22, 2020, up to and including January 21, 2021.
3. Farmdale District, or any interested party, may, by counsel, file motions to intervene no later than September 4, 2020.

4. Frankfort, and Farmdale District if it files a motion for intervention, shall each, by counsel, enter an appearance in this proceeding within seven days of the date of entry of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel.

5. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

6. Pursuant to 807 KAR 5:011, Section 8(9), within seven days of entry of this Order, Frankfort shall file by electronic means a written statement that it waives any right to service of Commission orders by United States mail and that it or its authorized agents possesses the facilities to receive electronic submissions. The paper original shall be filed within 30 days of the ending of the current state of emergency caused by COVID-19.

7. Unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means; and

b. Within seven days of the date of entry of an Order of the Commission, granting intervention, file with the Commission a written statement that:

(1) It, or its authorized agent, possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding should be served.

8. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001, Section 4(8).

9. The procedural schedule set forth in the Appendix to this Order shall be followed.

10. a. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The paper original shall be filed within 30 days of the ending of the current state of emergency caused by COVID-19.¹

b. Each response shall include the name of the witness responsible for responding to the questions related to the information provided and shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

c. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

11. 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. Therefore, 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 that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement

regarding the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

12. Frankfort shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of the hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov." At the time publication is requested, Frankfort shall forward a duplicate of the notice and request to the Commission.

13. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

14. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

15. The Commission does not look favorably upon motions of continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

16. The Acting Executive Director shall serve a copy of this Order on Farmdale District.

17. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission

ENTERED
AUG 20 2020 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Acting Executive Director

Case No. 2020-00269

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2020-00269 DATED AUG 20 2020

Requests for intervention shall be filed no later than 09/04/2020

Initial requests for information to Frankfort
shall be filed no later than 09/18/2020

Frankfort shall file responses to
initial requests for information no later than..... 10/02/2020

Intervenor Testimony, if any, in verified prepared
form shall be filed no later than..... 10/16/2020

All requests for information to Intervenors shall
be filed no later than..... 10/30/2020

Intervenors shall file responses to requests for
information no later than..... 11/13/2020

Frankfort or any Intervenor shall request either a
hearing or that the case be submitted for decision
based on the record no later than 11/20/2020

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