

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF B & H GAS)	CASE NO.
COMPANY, INC. FOR AN ALTERNATIVE RATE)	2020-00364
ADJUSTMENT)	

ORDER

On November 5, 2020, B & H Gas Company, Inc. (B & H) tendered an application, pursuant to 807 KAR 5:076, requesting to adjust its gas service rates. The Commission notified B & H by letter dated November 9, 2020, that its application was rejected for failure to satisfy the minimum filing requirements set forth in certain Commission regulations. B & H subsequently cured the filing deficiencies and its application was deemed filed as of November 12, 2020. B & H provided the customer notice it supposedly mailed to its customers with its application and that notice was the basis for the Commission's determination that the application met the minimum filing requirements.

On November 23, 2020, the Commission received a public comment, which, among other things, alleges that the customer notice that B & H mailed to its customers is illegible due to the small print, and provided a copy of the customer notice. The customer notice that B & H mailed to its customers is not only substantially smaller than the notice submitted with the application, it does not appear to be an exact reproduction of that notice.

The Commission, on its own motion and having been otherwise sufficiently advised, finds that B & H should renotify its customers using the customer notice

submitted with its application because providing customers with an illegible notice is counter to the regulatory notice requirements. An illegible notice is the functional equivalent of not providing notice. Further, the Commission finds that B & H should file the same notice it mails to its customers so that the Commission can assure that it is sufficient. The Commission directs B & H to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085¹ regarding filings with the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency.

IT IS THEREFORE ORDERED that:

1. B & H shall renotify its customers using the customer notice filed with its application.
2. B & H shall file with the Commission the same notice it mails to its customers.
3. This case shall be held in abeyance until B & H sends a legible notice and files with the Commission the notice that was provided to customers.

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.

By the Commission



ATTEST:



Deputy Executive Director

Case No. 2020-00364

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