

BEFORE THE KENTUCKY  
PUBLIC SERVICE COMMISSION

LARRY RAYMOND BAILEY )  
COMPLAINANT )

WEST LAUREL WATER ASSOCIATION, INC. )  
DEFENDANT )

No. 2016-00338

*Electronically Filed*

ANSWER

Comes the West Laurel Water Association, Inc. (“West Laurel”), by and through counsel, for its Answer to the Complaint filed by Larry Raymond Bailey. Complainant alleges that he was incorrectly charged a late fee because of insufficient or no notice. West Laurel denies this allegation.

On March 6, 2020 a “State of Emergency” Executive Order 2020-215 was entered by Governor Andy Beshear. (Attached hereto as Exhibit 1) Following the Governor’s Executive Order, this Public Service Commission “PSC” issued an Order (attached hereto as Exhibit 2) in 2020-00085 advising that “until further notice from the Commission, utilities should suspend disconnections due to non-payment and waive the assessment of late payment fees.” West Laurel immediately suspended its policy regarding late fees and disconnects. The West Laurel policy regarding late fees and disconnects was previously approved by the PSC in the approval of their “Rates, Rules, and Regulations for Furnishing” (effective date July 14, 2016 pursuant to 807 KAR 5:011 § 9(1)). (Attached hereto as Exhibit 3)

On September 21, 2020, the PSC issued another Order in 2020-00085 (attached hereto as Exhibit 4) stating “Although the Commission’s moratorium on disconnections for nonpayment will be lifted beginning October 20, 2020, according to the conditions required in this Order, the Commission finds good cause to continue its moratorium on the assessment of late payment charges for residential customers only until December 31, 2020.

On October, 19, 2020, Governor Beshear issued Executive Order 2020-881 (attached hereto as Exhibit 5) that stated “[a]ll entities that provide natural gas, water, wastewater, or electric service within the Commonwealth, including, but not limited to entities created under KRS

Chapters 96 and 279, shall continue to waive the assessment of late payment fees for residential customers through December 31, 2020. West Laurel abided by the Orders issued by both Governor Beshear and the PSC. West Laurel went even further, in fact, West Laurel did not begin charging late fees until its billing in April 2021.

In April 2021, Bailey was issued a written invoice from West Laurel Water Association. (Attached hereto as Exhibit 6). The total amount due before April 15, 2021 is plainly listed as well as the “penalty amount” and amount due after April 15, 2020 (with the penalty amount included). In several places on the West Laurel invoice it is stated: “Payments must be in the office by the 15<sup>th</sup> of the month to avoid late payment charges.” and “A late charge will be added to all bills paid after the 15<sup>th</sup> of the month.”

Bailey takes the position that he had no notice, and he contacted West Laurel and the PSC and was basically given the same answer from both that no special notice was required. However, notice was given on Bailey’s bill. He ignored the notice.

Bailey has now filed a Request to Reconsider the PSC’s prior Order that he cannot represent others because he is not an attorney licensed to practice law in the Commonwealth of Kentucky. The PSC’s previous Order was correct. Numerous Kentucky cases support the PSC’s Order. It is also a crime in Kentucky for Bailey to represent anyone other than himself in this matter.

In addition to the reasons given previously given by this Commission, Kentucky’s unauthorized practice of law statute, KRS 524.130, states as follows:

(1) Except as provided in KRS 341.470 and subsection (2) of this section, a person is guilty of unlawful practice of law when, without a license issued by the Supreme Court, he engages in the practice of law, as defined by the Supreme Court.

(2) A licensed nonresident attorney in good standing, although not licensed in Kentucky, is not guilty of unlawful practice if, in accordance with rules adopted by the Supreme Court, he practices law under specific authorization of a court.

(3) Unlawful practice of law is a Class B misdemeanor.

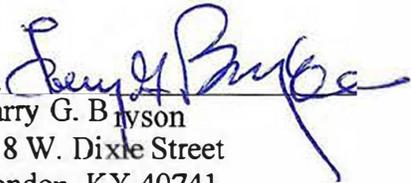
KRS 341.470 relates to the Unemployment Commission and is not applicable here; Subsection (2) does not apply. The Supreme Court has defined the practice of law as “any service rendered involving legal knowledge or legal advice, whether of representation, counsel or advocacy in or out of court, rendered in respect to the rights, duties, obligations, liabilities, or business relations of one requiring the services.” SCR 3.020. The unauthorized practice of law is the performance of those services by “non-lawyers” for “others.” *Countrywide Home Loans, Inc. v. Kentucky Bar Ass’n*, 113 S.W.3d 105, 108 (Ky. 2003).

The Kentucky Supreme Court has said:

“[T]he basic consideration in suits involving unauthorized practice of law is the public interest. Public interest dictates that the judiciary protect the public from the incompetent, the untrained, and the unscrupulous in the practice of law. Only persons who meet the educational and character requirements of this Court and who, by virtue of admission to the Bar, are officers of the Court and subject to discipline thereby, may practice law. The sole exception is the person acting in his own behalf.” *Frazer v. Citizens Fidelity Bank & Trust Co.*, 393 S.W.2d 778, 782 (Ky. 1964), *as modified* (1965).

This Commission was correct in its earlier Order and should not reconsider it or modify it. Bailey had adequate notice of the late charge that was added after the reinstatement of late fees by both Governor Beshear and the PSC. Bailey simply ignored that notice.

Respectfully submitted,

  
\_\_\_\_\_  
Larry G. Bryson  
318 W. Dixie Street  
London, KY 40741  
(606) 878-7123  
Email: [lgbryson@windstream.net](mailto:lgbryson@windstream.net)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served by electronic mail to the following:

Original:

Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40602  
[PSCED@ky.gov](mailto:PSCED@ky.gov)

Copy:

Larry Bailey  
181 Ben Bailey Road  
London, KY 40744

This the 27<sup>th</sup> day of August, 2021.

  
Larry G. Bryson



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

2020-215

March 6, 2020

**STATE OF EMERGENCY**

**WHEREAS**, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for the novel coronavirus (COVID-19), beginning on January 27, 2020; and

**WHEREAS**, there are numerous confirmed lab cases of COVID-19 throughout the United States; and

**WHEREAS**, COVID-19, a respiratory disease than can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

**WHEREAS**, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high", and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

**WHEREAS**, the World Health Organization currently indicates there are 98,192 confirmed cases of COVID-19 worldwide, and the CDC currently indicates that 164 of those cases are in the United States; and

**WHEREAS**, the planning and preparedness of all state and local agencies for a COVID-19 public health emergency in the Commonwealth is a concern to all Kentuckians; and

**WHEREAS**, the Kentucky Department of Emergency Management has special personnel and equipment resources to assist the state and local authorities in the protection of life, public health and safety, to promote the public welfare, to prevent undue loss and suffering, and to mitigate the effects of such an event; and

**WHEREAS**, the Kentucky Department of Public Health has specially trained personnel and resources to assist the state and local authorities in the protection of life, public health and safety, through coordinating a response to this emergency; and

**WHEREAS**, it is both appropriate and desirable to combine the resources of the ~~several~~ Kentucky Department of Emergency Management and the Kentucky Department of Public Health in joint operations with selected federal, state and local agencies to attain the maximum effective response to the circumstances described herein;

CLERK OF COURTS  
STATE OF KENTUCKY  
FRANKFORT, KY

**EXHIBIT**

1



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
**Frankfort**  
**Kentucky**

**NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky,** by virtue of the authority vested in me by Chapter 39A of the Kentucky Revised Statutes, declare that a State of Emergency exists in the Commonwealth of Kentucky and do hereby order and direct the issuance of appropriate state active duty orders for the necessary officers, troops, personnel, equipment, including the resources of the Kentucky National Guard and other logistical support necessary for an immediate response to the novel coronavirus (COVID-19) emergency in the Commonwealth. I further order and direct as follows:

1. The Division of Emergency Management within the Department of Military Affairs and the Kentucky Department of Public Health shall coordinate the response and relief activities of all state agencies and private relief organizations in response to the COVID-19 emergency described herein.
2. The Division of Emergency Management within the Department of Military Affairs shall execute the Kentucky Emergency Operations Plan and, from the Kentucky Emergency Operations Center, shall coordinate the relief and response activities of all state agencies and private relief organizations in response to this emergency.
3. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services, and to prevent undue loss and suffering.
4. The Division of Emergency Management is authorized to request assistance, federal, state, local, private sector, volunteer, and donated resources as may be available to minimize human suffering and to restore essential services to the general population and to assist state and local governments and individuals impacted by this emergency.
5. The Finance and Administration Cabinet is directed to provide assistance with incident resource management, procurements, and contracting and to fund the urgent operational and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are incurred in response and recovery from this emergency incident and in executing the provisions of this Executive Order.
6. The Kentucky Department of Public Health and all other state agencies shall provide sufficient personnel required for the staffing of the Kentucky Emergency Operations Center or other command, control, and coordination points as may be designated by the Division of Emergency Management's Director and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration, and recovery of essential public services.



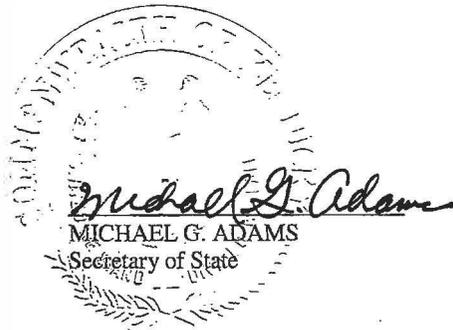
ANDY BESHEAR  
GOVERNOR

EXECUTIVE ORDER

Secretary of State  
Frankfort  
Kentucky

7. The Kentucky Office of Homeland Security ("KOHS") shall provide information to individuals and private organizations, including volunteer and religious organizations, regarding how they can best prepare for and respond to the COVID-19 emergency described herein and whom to contact to volunteer help or services. Further, the KOHS shall specifically identify and encourage private organizations to commit to provide food, shelter, personnel, equipment, materials, consultation, and advice, or other services needed to respond to the COVID-19 emergency. Additionally, the KOHS shall coordinate its efforts with the federal Department of Homeland Security, as necessary, and administer the Kentucky Intelligence Fusion Center to facilitate information sharing about COVID-19 among public safety and public service agencies at the federal, state, and local levels, as well as the private sector.

This order is effective March 6, 2020.



  
ANDY BESHEAR, Governor  
Commonwealth of Kentucky

**RECEIVED AND FILED**

**DATE**

3/6/2020



**MICHAEL G. ADAMS**

**SECRETARY OF STATE**

**COMMONWEALTH OF KENTUCKY**

**BY**

A large, stylized handwritten signature in black ink is written over a horizontal line. The signature is cursive and appears to read "Michael G. Adams".

03-16-2020

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC EMERGENCY DOCKET RELATED ) CASE NO.  
TO THE NOVEL CORONAVIRUS COVID-19 ) 2020-00085

ORDER

The Commission, on its own motion, establishes this docket to address the pressing issues related to utility service arising across the Commonwealth of Kentucky as a result of the novel coronavirus COVID-19. This Order is necessary to provide initial direction to the many utilities under the Commission's jurisdiction with service obligations, and this docket will serve as a venue to address on-going concerns resulting from COVID-19. This Order is in effect until further notice.

The Commission, pursuant to KRS 278.040(1), regulates utilities in this state and has the authority to enforce the provisions of KRS Chapter 278. Additionally, pursuant to KRS 278.040(2), the Commission has exclusive jurisdiction over the rates and services of the utilities in the Commonwealth.<sup>1</sup> The Commission has "the plenary authority to regulate and investigate utilities" pursuant to both KRS 278.030 and KRS 278.040.<sup>2</sup> Pursuant to the Commission's statutory and plenary authority, the Commission will use this docket to address the myriad and constantly changing issues associated with COVID-

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<sup>1</sup> Notably, the Commission's jurisdiction does not extend the provision of retail services offered by municipal-owned utilities. The Commission, however, urges such entities to undertake a similar review of their disconnection practices and policies and to coordinate with local community action agencies to ensure continuity of service during the declared emergency.

<sup>2</sup> *Kentucky Public Service Com'n v. Commonwealth ex rel. Conway*, 324 S.W.3d 373, 383 (Ky. 2010).

19. The issues in this docket will take precedence over all other matters before the Commission, except for those matters in which the Commission is directed by statute to do otherwise.

Pursuant to Executive Order 2020-215<sup>3</sup>, there exists a State of Emergency in the Commonwealth of Kentucky. Due to COVID-19, many, if not all, public schools in the Commonwealth are closed.<sup>4</sup> Many places of business are either closed or anticipating closing for an indeterminate time.<sup>5</sup> Those exhibiting symptoms or those who have had contact with someone who has, or is likely to develop, COVID-19 are asked to self-isolate or quarantine in their home,<sup>6</sup> thus depriving them of the opportunity to work.

Due to the current state of emergency, several utilities in the Commonwealth have informed the Commission that they will temporarily cease service disconnections due to non-payment and have taken efforts to reduce person-to-person contact. For example, several parent companies of utilities in Kentucky, such as Duke Energy Corporation,<sup>7</sup> American Water Works Company, Inc.,<sup>8</sup> American Electric Power Company, Inc.,<sup>9</sup> Central States Water Resources,<sup>10</sup> and Atmos Energy have all announced that their local

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<sup>3</sup> Attached as Appendix.

<sup>4</sup> See, e.g., [https://www.wdrb.com/in-depth/public-school-districts-across-kentucky-closed-for-at-least-two/article\\_0b796c14-6531-11ea-8c34-57abc0d37640.html](https://www.wdrb.com/in-depth/public-school-districts-across-kentucky-closed-for-at-least-two/article_0b796c14-6531-11ea-8c34-57abc0d37640.html) (Last accessed Mar. 16, 2020).

<sup>5</sup> See, e.g., <https://www.kentucky.com/lexgoeat/restaurants/article241166831.html> (Last accessed Mar. 16, 2020).

<sup>6</sup> <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>

<sup>7</sup> <https://www.duke-energy.com/home>

<sup>8</sup> <https://amwater.com/corp/about-us/our-states-subsidiaries>

<sup>9</sup> <https://twitter.com/AEPnews/status/1238612324937859081>

<sup>10</sup> <https://www.centralstateswaterresources.com/bluegrass-water/>

affiliates would be suspending disconnection for non-payment. Several of the Commonwealth's smaller utilities also have contacted the Commission requesting guidance on how to best implement policies to forestall disconnection for non-payment. As of the date of this Order, many utilities in Kentucky have yet to officially announce that they are voluntarily suspending disconnections due to non-payment.

Based on the foregoing and being otherwise sufficiently advised, the Commission finds that good cause exists in light of the nature of the emergency to relieve jurisdictional utilities of certain non-essential requirements; further, the Commission strongly urges flexibility with regard to pressing matters. Specifically, for at least the next 30 days, and until further notice from the Commission, utilities should suspend disconnections due to non-payment and waive the assessment of late payment fees. Disconnection processes ordinarily lead to in-person contact and, as such, pose a significant health risk due to the potential for transmission of COVID-19. Pursuant to KRS 278.030, utilities are obligated to furnish adequate, efficient, and reasonable service. Given the pressing need to ensure continuity, and thus adequacy, of service in this time of emergency, the Commission finds that disconnections for non-payment are a waste of valuable resources and pose a significant risk. Disconnection to protect health and safety, or for reasons unrelated to non-payment, may continue if necessary and reasonable. Several other state utility commissions have already taken similar action to prevent disconnections for non-

payment, including New Jersey,<sup>11</sup> Connecticut,<sup>12</sup> New York,<sup>13</sup> Ohio,<sup>14</sup> Louisiana,<sup>15</sup> and Wisconsin.<sup>16</sup>

With regard to disconnections for non-payment, non-payment generally, and penalties for late payment for services, the Commission urges utilities to implement their tariffs and regulations liberally. Most utilities are provided flexibility in their tariffs to offer payment plans or to waive late fees for non-payment. The Commission expects utilities to use this flexibility given the current circumstances for both residential customers and, when necessary or reasonable, businesses. If utilities believe their tariffs or Commission regulations preclude them from ceasing disconnections, waiving or extending the payment of late fees, or any other action that could relieve the hardship that exists due to COVID-19, this docket is available to provide any and all relief sought by those utilities, should the Commission believe such relief is reasonable and in the public interest. If, due to the current state of emergency, a utility finds it necessary to deviate from its tariff or Commission regulations, the utility should file its request with the Commission in this docket. If a formal request for relief from tariffs or regulations is burdensome, utilities may convey information directly to the Commission's Executive Director by electronic mail.<sup>17</sup>

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<sup>11</sup> <https://twitter.com/GovMurphy/status/1238535584907497472>

<sup>12</sup> <https://portal.ci.gov/PURA/Press-Releases/2020/Cease-Residential-Shut-offs-During-COVID-19-Outbreak>

<sup>13</sup> <https://www.politico.com/states/new-york/albany/story/2020/03/13/new-jersey-new-york-suspending-utility-shut-offs-amid-coronavirus-pandemic-1266923>

<sup>14</sup> <https://dis.puc.state.oh.us/DocumentRecord.aspx?DocID=f3a5d5ff-6a2a-4556-8e00-c0b9d648e5c9>

<sup>15</sup> [http://www.lpsc.louisiana.gov/\\_docs/\\_General/Covid-19%20executive%20order.pdf](http://www.lpsc.louisiana.gov/_docs/_General/Covid-19%20executive%20order.pdf)

<sup>16</sup> <http://apps.psc.wi.gov/vs2017/NewsReleases/default.aspx>

<sup>17</sup> The electronic mail address is [PSCED@ky.gov](mailto:PSCED@ky.gov).

Upon receipt of informal requests for relief, the communications will be introduced into this record and considered by the Commission.

Nothing in this Order should be conveyed as relieving customers from the obligation to pay for service rendered. Instead, the Commission is taking this extreme measure to ensure that the many consumers who are confined to their homes in a time of emergency are provided necessary services required to maintain health and safety. The Commission expects utilities to establish lenient and flexible payment plans for any unpaid balances. Utilities may also seek Commission approval, by written request filed in this docket, to offer free or reduced-rate service pursuant to KRS 278.170(2), which allows a utility to provide free or reduced-rate service during times of epidemic or calamity.

The Commission finds that, to the degree possible, the filing of physical documents with the Commission should be temporarily suspended. Accordingly, the Commission will suspend the filing of original paper documents with the Commission, except for the filing of confidential information. The Commission urges all parties that have non-electronic cases before the Commission to petition the Commission to convert the cases to electronic cases pursuant to 807 KAR 5:001, Section 8. If a non-electronic case is not converted to an electronic case, the Commission will grant a deviation from the filing requirements 807 KAR 5:001, Section 7(1), insofar that a filer will not be required to file an original document and ten copies with the Commission; the filer may file one original document with no copies, or send an electronic mail message with an electronic copy of the document to the Commission and to parties to the matter, with the expectation that the original(s) will be filed with the Commission once the state of emergency has ceased.

Any electronic email filed in this manner should be sent to this email: [PSCED@ky.gov](mailto:PSCED@ky.gov), and each message should include the case number in the subject line of the message and a read receipt to ensure the Commission received the message and documents. If electronic mail is used, please limit the size of documents to 5 MB. For electronic cases, the Commission will grant a deviation from all regulations requiring the filing of a physical copy of the document<sup>18</sup> with the expectation that documents will be filed once the state of emergency has ceased, or service of a physical copy of a document,<sup>19</sup> which can be accomplished via electronic mail. Likewise, applications filed pursuant to 807 KAR 5:063 must be filed using the Commission's electronic filing procedures, with the expectation that a physical copy be filed when the state of emergency has ceased.

If a utility needs to send a letter to the Commission or Executive Director, it should do so by electronically mailing the letter to the Executive Director.<sup>20</sup> Any other document that a utility is required to transmit to the Commission may be sent via electronic mail to the following address: [PSCED@ky.gov](mailto:PSCED@ky.gov).

Utilities have several ongoing reporting obligations to the Commission, such as quarterly meter reports,<sup>21</sup> disconnection reports,<sup>22</sup> and non-recurring charges reports.<sup>23</sup> The Commission finds that utilities should be granted temporary deviation from these

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<sup>18</sup> 807 KAR 5:001, Section 8(12)(a)(2)

<sup>19</sup> 807 KAR 5:001Section 8(7)(c)

<sup>20</sup> The electronic mail address of the Executive Director is [Kent.Chandler@ky.gov](mailto:Kent.Chandler@ky.gov)

<sup>21</sup> 807 KAR 5:006, Section 4(4)

<sup>22</sup> 807 KAR 5:006, Section 4(5)

<sup>23</sup> 807 KAR 5:006, Section 9

requirements and that it expects the utilities to file these reports in a reasonable time after the state of emergency ends.

Utilities have a host of other obligations, such as monitoring of customer usage,<sup>24</sup> quarterly meter readings,<sup>25</sup> maintaining certain business hours and contact information,<sup>26</sup> and inspections of its systems.<sup>27</sup> In order to limit in-person contact, and also to allow the utility focus on essential functions of the utility, the Commission finds that utilities, until otherwise ordered, should be granted a temporary deviation from: the quarterly meter reading requirements in 807 KAR 5:006, Section 7(5)(b), the requirement to monitor customer usage in 807 KAR 5:006, Section 11(3); the requirements of maintaining certain business hours in 807 KAR 5:006, Section 14(1)(a),(b), and (c);<sup>28</sup> and the requirement for periodic inspections of its system in 807 KAR 5:006, Section 26.

The Commission anticipates that its day-to-day functions will continue uninterrupted, and that it will be able to discharge its statutory duties. However, in order to reduce person-to-person contact and minimize transmission risk, the Commission will take the following actions. The Commission will temporarily cease all in-person inspections conducted by its Staff. The Commission will not allow visitors into its building. Any conference or meeting that was scheduled to be held at the Commission's offices will be conducted by teleconference or videoconference. If a meeting or hearing cannot be conducted remotely, it will be rescheduled for another date.

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<sup>24</sup> 807 KAR 5:006, Section 11(3).

<sup>25</sup> 807 KAR 5:006, Section 7(5)(b).

<sup>26</sup> 807 KAR 5:006, Section 14.

<sup>27</sup> 807 KAR 5:006, Section 26.

<sup>28</sup> This will exempt a utility from keeping its office open to the public.

The Commission will promptly address all requests for relief filed in this docket. The Commission may address informal concerns via informal means such as telephone or electronic mail. The Commission encourages interested persons to notify the Commission of suggestions that the Commission should consider in order to avoid the imposition of a service continuity hardship on customers or the creation of unnecessary COVID-19 risks associated with social contact. Comments may be filed in this docket electronically.

Based on the foregoing and being otherwise duly advised, IT IS HEREBY ORDERED that:

1. Until otherwise ordered by the Commission, utilities shall cease disconnections for non-payment.

2. Until otherwise ordered by the Commission, utilities shall waive all late payment charges.

3. Until otherwise ordered by the Commission, filers are granted deviation from filing or transmitting physical documents pursuant to the following requirements:

- a. 807 KAR 5:001, Section 7(1);
- b. 807 KAR 5:001, Section 8(12)(a)(2);
- c. 807 KAR 5:063; and
- d. 807 KAR 5:001 Section 8(7)(c).

4. Documents required by 807 KAR 5:001, Section 7(1), and 807 KAR 5:063 may be filed with the Commission by electronic mail at [PSCED@ky.gov](mailto:PSCED@ky.gov). An original of the documents exempted from filing in ordering paragraph 3(a), (b), and (c), shall be filed within 30 days of the lifting of the state of emergency.

5. A utility, in this docket, shall petition the Commission for relief from the provisions of its tariff or Commission, if not already granted deviation in this docket or if it is unable to comply with its tariff or Commission regulations due to COVID-19 related issues.

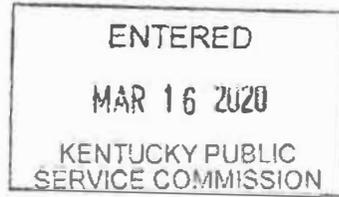
6. Any non-case related documents shall be filed with the Commission by electronic mail at [PSCED@ky.gov](mailto:PSCED@ky.gov).

7. Until further ordered by the Commission, utilities are granted deviation from the requirements found in:

- a. 807 KAR 5:006, Section 4(4);
- b. 807 KAR 5:006, Section 4(5);
- c. 807 KAR 5:006, Section 9;
- d. 807 KAR 5:006, Section 7(5)(b);
- e. 807 KAR 5:006, Section 11(3);
- f. 807 KAR 5:006, Section 14(1)(a),(b), and (c); and
- g. 807 KAR 5:006, Section 26.

8. The Commission may modify this proceeding by subsequent order.
9. This case shall remain open until further order by the Commission.

By the Commission



ATTEST:

  
\_\_\_\_\_  
Executive Director

Case No. 2020-00085

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2020-00085 DATED **MAR 16 2020**

FOUR PAGES TO FOLLOW



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

2020-215

March 6, 2020

**STATE OF EMERGENCY**

**WHEREAS**, On January 31, 2020, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for the novel coronavirus (COVID-19), beginning on January 27, 2020; and

**WHEREAS**, there are numerous confirmed lab cases of COVID-19 throughout the United States; and

**WHEREAS**, COVID-19, a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person; and

**WHEREAS**, the CDC identifies the potential public health threat posed by COVID-19 both globally and in the United States as "high", and has advised that person-to-person spread of COVID-19 will continue to occur globally, including within the United States; and

**WHEREAS**, the World Health Organization currently indicates there are 98,192 confirmed cases of COVID-19 worldwide, and the CDC currently indicates that 164 of those cases are in the United States; and

**WHEREAS**, the planning and preparedness of all state and local agencies for a COVID-19 public health emergency in the Commonwealth is a concern to all Kentuckians; and

**WHEREAS**, the Kentucky Department of Emergency Management has special personnel and equipment resources to assist the state and local authorities in the protection of life, public health and safety, to promote the public welfare, to prevent undue loss and suffering, and to mitigate the effects of such an event; and

**WHEREAS**, the Kentucky Department of Public Health has specially trained personnel and resources to assist the state and local authorities in the protection of life, public health and safety, through coordinating a response to this emergency; and

**WHEREAS**, it is both appropriate and desirable to combine the resources of the ~~the~~ Kentucky Department of Emergency Management and the Kentucky Department of Public Health in joint operations with selected federal, state and local agencies to attain the maximum effective response to the circumstances described herein;

OFFICE OF THE GOVERNOR  
STATE OF KENTUCKY  
FRANKFORT, KY 40501  
2020-03-06 10:00 AM



**ANDY BESHEAR**  
GOVERNOR

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**NOW, THEREFORE, I, Andy Beshear, Governor of the Commonwealth of Kentucky,** by virtue of the authority vested in me by Chapter 39A of the Kentucky Revised Statutes, declare that a State of Emergency exists in the Commonwealth of Kentucky and do hereby order and direct the issuance of appropriate state active duty orders for the necessary officers, troops, personnel, equipment, including the resources of the Kentucky National Guard and other logistical support necessary for an immediate response to the novel coronavirus (COVID-19) emergency in the Commonwealth. I further order and direct as follows:

1. The Division of Emergency Management within the Department of Military Affairs and the Kentucky Department of Public Health shall coordinate the response and relief activities of all state agencies and private relief organizations in response to the COVID-19 emergency described herein.
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3. The Adjutant General is authorized to issue active duty orders for the mobilization of such National Guard personnel and equipment as he may determine to protect life and safety, to continue essential public services, and to prevent undue loss and suffering.
4. The Division of Emergency Management is authorized to request assistance, federal, state, local, private sector, volunteer, and donated resources as may be available to minimize human suffering and to restore essential services to the general population and to assist state and local governments and individuals impacted by this emergency.
5. The Finance and Administration Cabinet is directed to provide assistance with incident resource management, procurements, and contracting and to fund the urgent operational and/or response of the Division of Emergency Management and the unbudgeted expenditures and obligations of other state agencies that are incurred in response and recovery from this emergency incident and in executing the provisions of this Executive Order.
6. The Kentucky Department of Public Health and all other state agencies shall provide sufficient personnel required for the staffing of the Kentucky Emergency Operations Center or other command, control, and coordination points as may be designated by the Division of Emergency Management's Director and shall provide such personnel, vehicles, equipment, and other resources needed to protect life and property and to ensure continuation, restoration, and recovery of essential public services.

**RECEIVED AND FILED**  
**DATE**, 3/6/2020



**MICHAEL G. ADAMS**  
**SECRETARY OF STATE**  
**COMMONWEALTH OF KENTUCKY**  
**BY**

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to read 'Michael G. Adams'.



WOOD CREEK WATER DISTRICT

P. S. C. Ky. No. \_\_\_\_\_

Cancels P. S. C. Ky. No. \_\_\_\_\_

WOOD CREEK WATER DISTRICT

OF

LAUREL COUNTY, KENTUCKY

### Rates, Rules and Regulations for Furnishing

AT

1670 DANIEL BOONE PARKWAY, EAST, LONDON, KY 40301  
PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

JAN 01 1990

PURSUANT TO 807 KAR 5:011  
SECTION 9 (1)

*Gene Kennedy*  
COMMISSION MANAGER

Filed with PUBLIC SERVICE COMMISSION OF  
KENTUCKY

ISSUED December 18, 1989

EFFECTIVE January 1, 1990

ISSUED BY Wood Creek Water District  
(Name of Utility)

BY Gene Kennedy

Chairman

AREA Laurel County, Kentucky

PSC KY NO. 2015-00428

1                      SHEET NO.                      1

Wood Creek Water District  
(NAME OF UTILITY)

CANCELLING PSC KY NO. 2011-00209

1                      SHEET NO.                      1

### RATES AND CHARGES

5/8 X 3/4 - Inch Meter:

First	2,000 gallons	\$24.22 Minimum bill
Next	1,500 gallons	7.70 per 1,000 gallons
Next	1,500 gallons	6.87 per 1,000 gallons
Next	2,500 gallons	5.78 per 1,000 gallons
All over	7,500 gallons	4.57 per 1,000 gallons

1 - Inch Meter:

First	5,000 gallons	\$46.08 Minimum bill
Next	2,500 gallons	5.78 per 1,000 gallons
All over	7,500 gallons	4.57 per 1,000 gallons

1 1/2 - Inch Meter:

First	10,000 gallons	\$71.95 Minimum bill
All over	10,000 gallons	4.57 per 1,000 gallons

2 - Inch Meter:

First	20,000 gallons	\$117.65 Minimum bill
All over	20,000 gallons	4.57 per 1,000 gallons

3 - Inch Meter:

First	30,000 gallons	\$163.35 Minimum bill
All over	30,000 gallons	4.57 per 1,000 gallons

6 - Inch Meter:

First	100,000 gallons	\$483.25 Minimum bill
All over	100,000 gallons	4.57 per 1,000 gallons

Wholesale User Rates:

East Laurel Water District	\$3.42 per 1,000 gallons
West Laurel Water Association	\$3.42 per 1,000 gallons
City of Livingston	\$3.42 per 1,000 gallons

DATE OF ISSUE July 14, 2016  
MONTH / DATE / YEA

DATE EFFECTIVE July 14, 2016  
MONTH / DATE / YEAR

ISSUED BY *Alexis Williams*  
SIGNATURE OF OFFICER

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. 2015-00428 DATED July 14, 2016

**KENTUCKY**  
**PUBLIC SERVICE COMMISSION**

**Talina R. Mathews**  
**EXECUTIVE DIRECTOR**

*Talina R. Mathews*

EFFECTIVE

**7/14/2016**

PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

FOR Northern Laurel County  
Community, Town or City

P.S.C. KY. NO. 2008-00334

#5 Revised SHEET NO. 1

Wood Creek Water District  
(Name of Utility)

CANCELLING P.S.C. KY. NO. 2002-00185

SHEET NO. \_\_\_\_\_

CONTENTS

DEPOSITS

The Wood Creek Water District may require a cash deposit to secure payment of bills. Service may be refused or discontinued for failure to pay the required deposit. Interest, as prescribed by KRS 278.460 will be paid annually either by refund or credit to the customer's bill, except that no refund or credit will be made if the customer's bill is delinquent on the anniversary date of the deposit.

The deposit may be waived upon a customer's showing of satisfactory credit or payment history, and required deposits will be returned after one (1) year if the customer has established a satisfactory payment record for that period. If a deposit has been waived or returned and the customer fails to maintain a satisfactory payment record, a deposit may then be required. The District may require a deposit in addition to the initial deposit, if the customer's classification of service charge or if there is a substantial change in usage. Upon termination of service, the deposit, any principal amounts, and any interest earned and owed will be credited to the final bill with any remainder refunded to the customer.

In determining whether a deposit will be required or waived, the following criteria will be considered.

1. Previous payment history with the District. If the customer has no previous history with the District, statement from other utilities, banks, etc. may be presented by the customer as evidence of good credit.
2. Whether the customer has an established income or line of credit.
3. Length of time the customer has resided or been located in the area.
4. Whether the customer owns property in the area.
5. Whether the customer has filed bankruptcy proceedings within the last seven years.
6. Whether another customer with a good payment history is willing to sign as a guarantor for an amount equal to the required deposit.

DATE OF ISSUE November 13, 2008  
Month / Date / Year

DATE EFFECTIVE November 13, 2008  
Month / Date / Year

ISSUED BY [Signature]  
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. 2008-00334 DATED November 13, 2008

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE  
11/13/2008  
PURSUANT TO 807 KAR 5:011  
SECTION 9 (1)

By [Signature]  
Executive Director

FOR Northern Laurel County  
Community, Town or City

P.S.C. KY. NO. 2008-00334

5<sup>th</sup> Revised SHEET NO. 2

Wood Creek Water District  
(Name of Utility)

CANCELLING P.S.C. KY. NO. 2002-00185

4<sup>th</sup> Revised SHEET NO. \_\_\_\_\_

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CONTENTS

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If a deposit is held longer than 18 months, the deposit will be recalculated at the customer's request based on the customer's actual usage. If the deposit on account differs from the recalculated amount by more than \$10.00 for a residential customer or 10 percent for a non residential customer, the District may collect any underpayment and shall refund any overpayment by check or credit to the customer's bill. No refund will be made if the customer's bill is delinquent at the time of recalculation.

All residential customers will pay equal deposits in the amount of \$60.00. This amount does not exceed the average annual bill of residential customers served by the District and is equal to or less than 2/12 of the average annual bill.

All commercial customers will pay equal deposits in the amount of \$100.00. This amount does not exceed the average annual bill of commercial customers served by District and is equal to or less than 2/12 of the average annual bill.

DATE OF ISSUE November 13 2008  
Month / Date / Year

DATE EFFECTIVE November 13, 2008  
Month / Date / Year

ISSUED BY [Signature]  
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. 2008-00334 DATED November 13, 2008

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE  
11/13/2008  
PURSUANT TO 807 KAR 5:011  
SECTION 9 (1)  
By [Signature]  
Executive Director

# WOOD CREEK WATER DISTRICT

1670 East Hal Rogers Parkway  
 P.O. Box 726  
 London, Kentucky 40743-0726

Day Time Phone: 606-878-9420  
 Outside London-East Bernstadt Area: 1-800-551-7965

ADDRESSEE

ACCOUNT NUMBER	
SERVICE ADDRESS CLASS	
BILL DATE	
NET AMOUNT DUE	\$
GROSS AMOUNT AFTER	\$
AMOUNT PAID	\$

Make Checks Payable to: Wood Creek Water District

Check box if your address is incorrect. Indicate change(s) on reverse side.  
 PLEASE RETURN TOP PORTION WITH PAYMENT  
 IF PAYING AT THE OFFICE, PLEASE BRING ENTIRE BILL

SERVICE	SEMIQU	UNIT	USAGE	CODE	CHARGE	
WOOD CREEK WATER DISTRICT					NET AMOUNT DUE	
Day Time Phone: 606-878-9420 For Customers Outside London-Bernstadt Area: 1-800-551-7965 Night: 606-843-7118 Office Hours: 8:00 a.m. - 4:30 p.m. Service Codes: WT = Water SWR = Sewer GS = Gas E = Estimated M = Meter Change F = Final Bill						
SERVICE ADDRESS					BILL OF	GROSS AMOUNT DUE
NOT RESPONSIBLE FOR MAIL DELIVERY					GROSS AMOUNT AFTER	

### Message Area

### Rates

First 2,000 Gallons	\$ 16.43 (Minimum Bill)
Next 1,500 Gallons	\$ 6.23 Per 1,000 Gal
Next 1,500 Gallons	\$ 4.66 Per 1,000 Gal
Next 2,500 Gallons	\$ 3.92 Per 1,000 Gal
All over 7,500 Gallons	\$ 3.09 Per 1,000 Gal

A LATE CHARGE WILL BE ADDED TO ALL BILLS PAID AFTER BILLS ARE DUE

*Stephanie Hunter*  
 Executive Director

Form for filing Rate Schedules

FOR Northern Laurel County  
Community, Town or City

P.S.C. KY. NO. \_\_\_\_\_

6th Revised SHEET NO. 1

CANCELLING P.S.C. KY NO. 89-111

SHEET NO. \_\_\_\_\_

Wood Creek Water District

CLASSIFICATION OF SERVICE

RATE  
PER UNIT

A. Minimum Water Rates Based on Size Connections

<u>Size of Water Meter Connection</u>	<u>Number of Gallons or Less of Water Per Month to be Provided for the Minimum Rate</u>	<u>Minimum Monthly Water Rate Per Connection</u>
5/8 inch x 3/4 inch	2,000 Gallons	\$ 9.48
1 inch	3,000 Gallons	18.05
1-1/2 inch	10,000 Gallons	28.75
2 inch	20,000 Gallons	35.95
3 inch	100,000 Gallons	188.35

Everything but C cancelled on November 30, 2005.

B. Meter Rates for Water Usage in Addition to Minimum Charge

Subject to the minimum monthly water rates specified above, the following metered charges shall be made for each 1,000 gallons of water consumption per month to customers of all size connections:

<u>Number of Gallons of Water per Month</u>	<u>Monthly Charge per 1,000 Gallons Per Month</u>
First 2,000 Gallons	\$ 9.48 (Minimum Bill)
Next 1,500 Gallons	3.02 Per 1,000 Gallons
Next 1,500 Gallons	2.69 Per 1,000 Gallons
Next 2,500 Gallons	2.26 Per 1,000 Gallons
Over 7,500 Gallons	1.78 Per 1,000 Gallons
Wholesale Rate	1.24 Per 1,000 Gallons

PUBLIC SERVICE COMMISSION OF KENTUCKY EFFECTIVE

APR 25 1998

PURSUANT TO 807 KAR 5.011, SECTION 9(1)

BY: Stephan D. Bell  
SECRETARY OF THE COMMISSION

C. Delinquent Accounts

If bills are not paid by the 15th of the month a 10% penalty will be added to the bill.

DATE OF ISSUE \_\_\_\_\_  
MONTH DATE YEAR

DATE EFFECTIVE \_\_\_\_\_  
MONTH DATE YEAR

ISSUED BY [Signature]  
SIGNATURE OF OFFICER

TITLE Chairman

issued by authority of an Order of the Public Service Commission of Kentucky

FOR Northern Laurel County  
Community, Town or City

P.S.C. KY. NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

Wood Creek Water District  
(Name of Utility)

CANCELLING P.S.C. KY. NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

**RULES AND REGULATIONS**

**LEAK ADJUSTMENT POLICY**

**Determination of a Leak**

Our field employees notice when reading meters if the usage of a customer is unusually high and if the meter is running. If so, they go to the customer's door to talk with them about a possible leak. If no one is at home they leave them a note for them to contact the office because they may have a leak. At other times the customers will call the office to ask for someone to come turn their meter off because they have a leak and need assistance. Leaks are then determined by field investigation by designated employees who then report back to the customer and to the office staff as to whether a leak was determined.

**Adjustment of a Leak**

The reduction of the bill is based on the total amount of the water usage. The amount of the customer's average three (3) months water usage bill is subtracted from the bill or bills which are higher than normal due to a water leak. The District will reduce the bill in the amount of 50%. The customer may be granted payments for this 50% payment if he chooses. This leak adjustment is a one time adjustment.

Example:	Absorbed by District	Due From Customer
Water usage bill or bills with leak	\$100.00	
3 months average bill	<u>-10.00</u>	
	\$90.00	
1/2 of Bill	\$45.00	\$45.00
3 months average bill		<u>10.00</u>
		\$55.00

DATE OF ISSUE November 13, 2008  
Month / Date / Year

DATE EFFECTIVE November 13, 2008  
Month / Date / Year

ISSUED BY [Signature]  
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. 2008-00334 DATED November 13, 2008

**PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE  
11/13/2008  
PURSUANT TO 807 KAR 5:011  
SECTION 9 (1)**

BY [Signature]  
Executive Director

FOR Northern Laurel County  
Community, Town or City

P.S.C. KY. NO. 2008-00334

5<sup>th</sup> Revised SHEET NO. 1

Wood Creek Water District  
(Name of Utility)

CANCELLING P.S.C. KY. NO. 2002-00185

4<sup>th</sup> Revised SHEET NO. 1

**RULES AND REGULATIONS**

1. These rules and regulations are in addition to the rules and regulations of the Kentucky Public Service Commission.
2. Any resident of the Wood Creek Water District is eligible for water service from the District.
3. Water service will be terminated within 72 hours after receiving a written request from the customer requesting discontinuance.
4. A charge of \$40.00 will be charged for reconnection of service.  
A charge of \$80.00 will be charged for reconnection of service after normal working hours (after 4:30 p.m.).
5. Water tap on Charge or Contribution in Aid of Construction shall be as follows:  
5/8 Inch Meter -----\$530.00  
1 Inch and Larger Meters -----Actual Cost of Installation
6. A charge of \$25.00 will be on all returned checks.
7. A Charge of \$25.00 will be charged for retesting of meters by customer request if the meter is tested and found to be accurate, in accordance with KAR 5:006 Sect. 20.
8. A fee of \$40.00 will be charged for all additional trips to the customer's premises, such as incorrect addresses given, helping customer find water leaks on their side of the meter, etc.
9. Meters will be read monthly and statements will be mailed before the 10<sup>th</sup> of each month.
10. Service lines to meters and meters are property of the District. From the meter to the customer outlet, installation and service will be the sole responsibility of the customer.
11. All meters will be located on district mains and in the absence of special permission on the property to be served. Reference is made to a more detailed explanation contained in the By-Laws.

DATE OF ISSUE November 13, 2008  
Month / Date / Year

DATE EFFECTIVE November 13, 2008  
Month / Date / Year

ISSUED BY [Signature]  
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. 2008-00334 DATED November 13, 2008

**PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE  
11/13/2008  
PURSUANT TO 807 KAR 5:011  
SECTION 9 (1)**

By [Signature]  
Executive Director

FOR Northern Laurel County  
Community, Town or City

P.S.C. KY. NO. 2008-00334

5<sup>th</sup> Revised SHEET NO. 2

Wood Creek Water District  
(Name of Utility)

CANCELLING P.S.C. KY. NO. 2002-00185

4<sup>th</sup> Revised SHEET NO. 2

**RULES AND REGULATIONS**

12. On all new connections, a separate meter must be installed for each residence, apartment, unit, mobile home, business, or family unit residing in a duplex or other multi-unit premise. For existing customers where two or more residences, apartment units, mobile homes, businesses, or family units residing in a duplex or other multi-unit premise are served by a single water meter, the water bill for each occupant, tenant, business, or family unit will be computed as follows:

- a. The customer whose name the meter is in will be billed for the actual water registered by that meter.
- b. All other customers shall pay the minimum bill.

13. The District's system is not designed nor intended for use for fire protection in any manner whatsoever. Any customer using same for fire protection does so at their own full and sole responsibility.

14. A charge of \$20.00 will be charged for inspection of customer's service lines that are not covered by the state or local plumbing inspectors per KRS 318 as ordered by the Public Service Commission in Case No. 10048 on 6/22/88, Wood Creek Water District.

15. Extensions of Service: The District may make extensions per 807 KAR 5:066, Sect. 12 and/or 807 KAR 5:011, Sect. 13, Special Contracts, copy of approved contract attached hereto. All customers desiring an extension will be presented both of the above and may choose which one they prefer.

If surplus funds are used for extensions of service, the following criteria will be reviewed:

- a. Whether surplus funds exist.
- b. Substantial opportunity for repayment of the expended surplus funds exists.
- c. The extension would not otherwise be constructed, due to unavailability of financing from any other source.
- d. Any other relevant facts that pertain to the proposed extension.

16. A charge of \$40.00 will be charged to the London Utility Commission for reconnection of water service for their sewer customers.

DATE OF ISSUE November 13, 2008  
Month / Date / Year

DATE EFFECTIVE November 13, 2008  
Month / Date / Year

ISSUED BY [Signature]  
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. 2008-00334 DATED November 13, 2008

**PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE  
11/13/2008  
PURSUANT TO 807 KAR 5:011  
SECTION 9 (1)**

By [Signature]  
Executive Director

FOR Northern Laurel County  
Community, Town or City

P.S.C. KY. NO. \_\_\_\_\_

Addendum SHEET NO. 2

CANCELLING P.S.C. KY. NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

Wood Creek Water District  
(Name of Utility)

**RATES AND CHARGES**

- 17. All customers have the option of having their payment automatically deducted from their checking or savings account. If the customer chooses that option, the payment will be deducted from the specified account on the 15<sup>th</sup> of each month. If funds are not available on the 15<sup>th</sup> the payment is considered late by the utility and all late charges and penalties will be applied. This service will be offered by the utility at no additional charge to the customer.
  
- 18. All customers have the option to pay their bill by either credit card or debit card. This method of payment can be made either in person at the office or by telephone. If on the 15<sup>th</sup> of the month an attempt to pay by credit card or debit card is made, and the card is declined for any reason, payment is still due in full on the 15<sup>th</sup> and will be considered late after that date. All late charges and penalties will be applied. This service will be offered by the utility at no additional charge to the customer.

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

JUN 01 2003

PURSUANT TO 207 KAR 6-011  
SECTION 9 (1)

DATE OF ISSUE April 28, 2003  
Month / Date / Year

DATE EFFECTIVE \_\_\_\_\_

ISSUED BY [Signature]  
Month / Date / Year  
(Signature of Officer)

TITLE CHAIRMAN

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION  
IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

BY [Signature]  
EXECUTIVE DIRECTOR

FOR Northern Laurel County  
Community, Town or City

P.S.C. KY. NO. \_\_\_\_\_

Original                      SHEET NO. \_\_\_\_\_

CANCELLING P.S.C. KY. NO. \_\_\_\_\_

\_\_\_\_\_ SHEET NO. \_\_\_\_\_

Wood Creek Water District  
(Name of Utility)

## 19. Fire Departments

Any city, county, urban-county, charter county, fire protection district, or volunteer fire protection district ("User") may withdraw water from Wood Creek Water District's water distribution system for fighting fires or training firefighters at no charge on the condition that it maintains estimates of the amount of water used for fire protection and training during the calendar month and reports the amount of this water usage to the utility no later than the 15<sup>th</sup> day of the following calendar month. A User shall submit a monthly report even if it withdraws no water for fire protection or training purposes.

A non-reporting User shall pay a penalty of \$1.00 for each failure to submit a report in a timely manner.

DATE OF ISSUE April 12, 2010  
Month / Date / Year

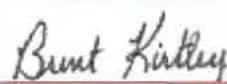
DATE EFFECTIVE April 12, 2010  
Month / Date / Year

ISSUED BY   
(Signature of Officer)

TITLE Chairman

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. \_\_\_\_\_ DATED \_\_\_\_\_

<b>KENTUCKY PUBLIC SERVICE COMMISSION</b>
<b>JEFF R. DEROUEN EXECUTIVE DIRECTOR</b>
TARIFF BRANCH 
EFFECTIVE <b>4/12/2010</b>
PURSUANT TO 807 KAR 5:011 SECTION 9 (1)

# WOOD CREEK WATER DISTRICT

118 Carter Drive  
P. O. Box 726  
London, Kentucky 40741

## LINE EXTENSION CONTRACT

TAP: \_\_\_\_\_

ROAD: \_\_\_\_\_

NUMBER OF CUSTOMERS: \_\_\_\_\_

COST OF EXTENSION: \_\_\_\_\_

AMOUNT OF DISCOUNT: \_\_\_\_\_

TOTAL COST AFTER DISCOUNT: \_\_\_\_\_

COST PER CUSTOMER: \_\_\_\_\_

TAP FEE PER CUSTOMER: \_\_\_\_\_

TOTAL COST PER CUSTOMER: \_\_\_\_\_

PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

JUL 9 1989

PURSUANT TO 807 KAR 5:011,  
SECTION 9(1),

BY: *[Signature]*  
PUBLIC SERVICE COMMISSION MANAGER

We, the undersigned, agree to accept the District allowing us 100 feet per customer, in lieu of the requirement of 50 feet, per 807 KAR 5:066, Section 12, (2), (a) and (b), with no reimbursement from the District.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
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PUBLIC SERVICE COMMISSION  
OF KENTUCKY  
EFFECTIVE

JAN 21 1992

PURSUANT TO 807 KAR 5:011,  
SECTION 9(1)

Remarks: \_\_\_\_\_

BY: *[Signature]*  
PUBLIC SERVICE COMMISSION MANAGER

\_\_\_\_\_  
\_\_\_\_\_

INSPECTION OF WATER SERVICE FOR OVER 10 ACRES

\_\_\_\_\_  
Water District

\_\_\_\_\_  
Date

This is to certify that we have no cross connections.

\_\_\_\_\_  
Account Number

\_\_\_\_\_  
Landowner

Attest:

\_\_\_\_\_  
Employee: Water District

PUBLIC SERVICE COMMISSION  
OF THE STATE OF TEXAS  
HOUSTON, TEXAS

AUG 16 1938

PURGLER, JAMES EARL, JR.  
BY: *[Signature]*  
URBAN WATER COMMISSION MANAGER

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

09-21-2020

In the Matter of:

ELECTRONIC EMERGENCY DOCKET RELATED ) CASE NO.  
TO THE NOVEL CORONAVIRUS COVID-19 ) 2020-00085

ORDER

On March 16, 2020, the Commission established this docket in response to a state of emergency brought on by the pandemic of the novel coronavirus, COVID-19. The Commission's Order entered on March 16, 2020 (March 16, 2020 Order), *inter alia*, directed utilities to temporarily cease disconnections for nonpayment, waive all late payment charges, and urged utilities to offer lenient payment plans for current unpaid balances.<sup>1</sup> The Commission made clear, however, that customers are not relieved of their obligation to pay for the services that they receive.<sup>2</sup> The March 16, 2020 Order also temporarily relieved utilities from several regulatory requirements, such as filing certain reports,<sup>3</sup> and directed utilities to request relief from the Commission if a utility's tariff interfered with efforts to address the pandemic.<sup>4</sup>

Approximately six months have passed since the Governor's declaration of a state of emergency<sup>5</sup> and the entry of the March 16, 2020 Order, and the Commission now finds

---

<sup>1</sup> Order at 3–5 (Ky. PSC Mar. 16, 2020).

<sup>2</sup> March 16, 2020 Order at 5.

<sup>3</sup> *Id.* at 6–7.

<sup>4</sup> *Id.* at 8.

<sup>5</sup> See Executive Order 2020-215.

that circumstances dictate modifications of its previous actions and Orders in this docket, including the moratorium on disconnections for nonpayment. We take these initial steps cautiously and will closely monitor the effects of our actions and the ongoing pandemic.

Although the initial closing of schools and businesses, and resulting effect of most being at home, has passed, a substantial number of Kentuckians are still at home, whether for work or school or out of necessity.<sup>6</sup> The Commission's March 16, 2020 Order primarily focused on continuity of service, ensuring people had access to safe and clean premises, rather than a direct response to historic unemployment and business closures. In light of the unabated viral pandemic, concerns around health and safety nevertheless persist. Many schools are following the Governor's recommendation to conduct virtual education in lieu of in-person instruction. Although many businesses have or may soon reopen, a historic number of individuals are nevertheless, for a variety of reasons, confined primarily to their homes.

In order to assess the impact of COVID-19 and the March 16, 2020 Order on utilities and their customers, the Commission conducted discovery on a number of items.<sup>7</sup>

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<sup>6</sup> For example, the Governor has requested that public schools delay in-person classes until at least September 28, 2020. <https://www.courier-journal.com/story/news/education/2020/08/10/beshear-kentucky-school-superintendents-talk-covid-19-updates/3324357001/> (Last visited Sept. 7, 2020).

<sup>7</sup> Commission Staff's Initial Request For Information to Duke Energy Kentucky, Inc., Kentucky Power Company, Kentucky Utilities Company, Louisville Gas and Electric Company, Columbia Gas of Kentucky, Inc., Atmos Energy Corporation, Delta Natural Gas Company, Inc., and Kentucky-American Water Company (Ky. PSC June 23, 2020); Commission Staff's Initial Request for Information to Each of East Kentucky Power Cooperative, Inc.'s Member Cooperatives and Big Rivers Electric Corporation's Member Cooperatives (Ky. PSC June 23, 2020); and Commission Staff's Initial Request for Information to Warren County Water District, Butler County Water System, Simpson County Water District, Oldham County Water District, Ohio County Water District, Northern Kentucky Water District, Boone County Water District, Hardin County Water District #1, Hardin County Water District #2, Mountain Water District, South Hopkins Water District, McCreary County Water District, Wood Creek Water District, Hyden-Leslie County Water District, Henderson County Water District, Cannonsburg Water District, Green River Valley Water District, Muhlenberg County Water District #3, and Grayson County Water District (Ky. PSC June 23, 2020).

The utilities were chosen to allow the Commission to review how a variety of types of utilities were functioning. The Commission believes the utilities (and their respective customers) chosen for the discovery are reflective of the utilities regulated by the Commission that provide gas, water, electric, and sewer service and provide a reasonable data set from which to make decisions moving forward.<sup>8</sup>

The results of the Commission's discovery were mixed. There seems to exist a significant dichotomy between two distinct groups of utility customers for nearly every utility that provided information. On the whole, it appears that the on-time payment rates for customers, that is, the percentage of customers who pay on time each month, has changed little, and in some instances increased, as compared to multiple periods preceding the outbreak of COVID-19 in Kentucky. Considering all utilities surveyed were unable to assess the late fees that nearly all of them ordinarily charge and were unable to disconnect for nonpayment, this result was unanticipated and indicates that late fees may have little impact on the timeliness of at least residential utility payments. Generally, the same percentage of customers who have always paid on time continued to do so during the first half of 2020. Simply put, the Commission finds that the evidence indicates that late fees have little discernible effect on the timeliness of residential customer payments for utility service. At best, late fees should represent the cost of a utility's short-term financing of arrearages, but even then, they are not currently calculated based on actual costs or the time value of money. The "on-time" group represents anywhere from 65 percent of a utility's customer base to 90 percent. The remainder of customers,

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<sup>8</sup> The Commission Staff's requests for information were served on Kentucky's eight largest nontelecommunications investor-owned utilities, all 19 rural electric cooperatives; and 19 water districts and associations.

whether they are designated as prepay or postpay, are seemingly indifferent, either in perception or by necessity, to fees for late payments for utility service.

Nevertheless, it appears from the evidence in this matter that the behavior of the minority of customers in each system that do not pay on time, either by design or necessity, regardless of the assessment of late payments, is impacted by the prospect or action of disconnection. Evidence provided in response to the Commission indicates that for some systems, nearly the entirety of customers who have not paid on time have some sort of arrearage that has accrued since mid-March 2020. Accordingly, the Commission, based on the evidence, finds that a minority of utility customers, but nevertheless a significant number, are influenced by the prospect or reality of utility service disconnection insofar as they eventually pay, albeit late.

A meaningful portion of this group of customers represents the outer bound of utility payment assistance needed within each system. Take, for instance, the rules in place for Low Income Home Energy Assistance Program (LIHEAP) assistance, which requires that a customer be “late” or have received a notice of termination in order to qualify.<sup>9</sup> The late fee applicable to the service is still added to a bill that many of these “late” customers cannot pay and will not be able to pay at all until the initial bill is actually late. Only then can the customer request and receive assistance, so that the late fee is included in the amount of assistance provided, thereby reducing the amount of assistance available to other customers.

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<sup>9</sup> See 921 KAR 4:116, Section 3(4)(b) (indicating that a utility customer is eligible for the crisis component of LIHEAP assistance if they have received a past due or disconnection notice); see also 921 KAR 4:116E (an emergency regulation promulgated in response to additional funding provided in the Coronavirus Aid, Relief, and Economic Security (CARES) Act that expanded eligibility for LIHEAP assistance); and 807 KAR 5:006, Section 15(3)(a)-(d) (Commission rules extending the termination date for 30 days for certain customers that apply for LIHEAP assistance).

Based on its review of data request responses filed in this matter, the Commission finds that the number of customers in arrearage and the amount they owe is increasing, but as of the end of June 2020, neither of these totals were materially in excess of historical averages. Such a conclusion regarding the totality of responses does not change the fact that this is not necessarily the case for every utility. For instance, as of June 20, 2020, Hyden-Leslie County Water District had 323 customers subject to disconnection but for the Commission's moratorium, while in 2019 the utility only disconnected 242 customers.<sup>10</sup> Nevertheless, the range of late payment notices issued by the utility each month, the utility action immediately preceding a disconnection, was between 325 and 457, all more than the total that would be subject to disconnection midyear 2020.<sup>11</sup> Although the average total bill<sup>12</sup> is increasing during the pandemic, these amounts are not materially different from past years. This data indicates a relatively minor impact to utility income statements. These figures do not indicate that there are not customers struggling to pay their bills though. In fact, the data merely reflects that the need for utility assistance frequently outpaces supply. Although the availability of payment assistance has consistently been a problem, including the lack of funding or programs to assist customers with water or sewer bills, the pandemic merely exacerbated the issue. Given the changed circumstances regarding the pandemic, including the movement from Governor Beshear's "*Healthy at Home*"<sup>13</sup> initiative to his "*Healthy at*

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<sup>10</sup> Response of Hyden-Leslie County Water District to Commission Staff's Initial Request for Information (filed July 23, 2020), Response to Question No. 8.

<sup>11</sup> *Id.*, Response to Question No. 10.

<sup>12</sup> Total bill is defined in this context as the bill for current service plus arrearages and fees.

<sup>13</sup> Executive Order No. 2020-257

*Work*<sup>14</sup> program, the accumulation of arrearages for both customers and utilities, and the need for certainty prior to the winter, the Commission finds that modifications to its Orders in this matter are necessary.

Regardless of the Commission's modifications herein, the reality is that the Commonwealth is still dealing with a viral pandemic that requires all of us, including utilities, to prioritize the health and safety of our communities. Utilities in the Commonwealth have considerable experience operating in a safe manner. Now though, it is more important than ever to maintain healthy and safe conditions through the provision of utility service. Although the Commission finds it necessary to modify its previous Orders in this docket, it stresses that the continued health and safety of Kentuckians, including the ability to occupy their dwellings, is paramount.

Based on the foregoing, the Commission lifts its moratorium on utility disconnects for nonpayment beginning October 20, 2020, with the following caveats and conditions. Although utilities under the Commission's jurisdiction may choose to disconnect for nonpayment of service, subject to the conditions herein, nothing in this Order should be construed as requiring utilities to do so. As the Commission noted in its March 16, 2020 Order in this matter, a number of utilities chose to voluntarily suspend disconnections for nonpayment. Those and other utilities maintain their ability to continue to do so after October 20, 2020, on a voluntary basis. Although the Commission's moratorium on disconnections for nonpayment will be lifted beginning October 20, 2020, according to the conditions required in this Order, the Commission finds good cause to continue its moratorium on the assessment of late payment charges for residential customers only

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<sup>14</sup> Executive Order No. 2020-323

until December 31, 2020. Even though utilities will be unable to assess late fees on bills rendered for service through the end of this year, they should continue to track the “lost revenue” they would have otherwise collected from late fees. Furthermore, the Commission finds that late fees shall not be assessed on any past due residential amounts accrued between March 16, 2020, and December 31, 2020, following the December 31, 2020 deadline.

Between the date of entry of this Order and October 20, 2020, **with regard to residential customers with postpay accounts**, utilities shall:

1. By default for all affected customers, create payment plans for all accumulated arrearages from service rendered on or after March 16, 2020, and before October 1, 2020, to the extent that past due balances exist. The term of the default payment plans shall be no less than six months and no longer than two years. Six months reflects the approximate length of time the Commission’s moratorium on disconnections will have been in place until the entry of this Order. Regardless of the length of the payment plan, default payment plans shall only require the customer to pay a fixed, equal installment over the term of the plan. For instance, with an arrearage of \$36.00, using a payment plan of six months in duration, the monthly charge for the payment plan would be \$6.00.
2. Take all reasonable efforts to contact the customers who have received default payment plans. Utility contact and communication with customers is necessary for utilities to convey information regarding customer arrearages, ways to pay, avenues for assistance, and the details of payment plans.

3. If customers request alternatives to the default payment plan ordered by the Commission, work with customers on payment plans that accommodate customer circumstances while balancing the concern of the utility, including its income and cash flow.
4. Consider customers with arrearages subject to a payment plan “on-time” for all purposes, except those explicitly exempted herein, as long as they timely pay their bill for current service *and* the amount required under the default or an alternative, agreed-upon payment plan.

If a customer fails to maintain an “on-time” status with regard to current service and a default or agreed-upon payment plan, the customer may be subject to disconnection beginning on October 20, 2020. Utilities are not required, but are encouraged, to offer subsequent payment plans to customers who have an initial payment plan for arrearages accumulated between March 16, 2020, and October 1, 2020, and are unable to maintain an “on-time” status as explained above. At no time though will a utility be permitted to deviate from their tariffs, particularly regarding disconnections, unless permitted herein or by a subsequent Commission Order. When a customer is no longer considered “on-time” regarding arrearage amounts accumulated between March 16, 2020, and October 1, 2020, utilities shall follow their tariffed procedures for disconnection should they choose to disconnect the customer.

Understanding that some assistance programs require customers to be late or subject to disconnection in order to qualify for utility assistance, the Commission makes an explicit finding that any customer with an agreed-upon or default payment plan for the next two years is late and subject to disconnection for assistance program purposes only.

But for the Commission's Orders in this matter, those customers would be late and would be subject to utility disconnection. To make a finding otherwise would create the most perverse instance: If customers have to fail to pay in order to receive assistance, but failing to pay will subject them to disconnection and terminate the opportunity to maintain their fair payment plans, assistance itself is of little help. Finding that those with payment plans are late or subject to disconnection for assistance purposes in order for them to receive the assistance required to maintain their "on-time" status is the only path that makes logical sense.

During the rest of the pandemic, communication between utilities and their customers is of utmost importance. Based on responses to data requests filed in this matter, the Commission is concerned with the number of utilities that have not kept communicating with customers during the pandemic. Utilities must be diligent in communicating options to customers during these unprecedented times, especially between the time of entry of this Order and October 20, 2020.

When communicating with customers, utilities should use all safe avenues available to them in order to communicate payment options and important dates to their customers. The Commission expects and prefers that confirmation of payment plans be in writing or electronically recorded;<sup>15</sup> however, an electronic signature or an email confirming customer understanding of default payment plans or agreement to agreed-upon plans will suffice given the unprecedented circumstances. If, because of safety concerns, a utility is unable to establish a written record, the utility may confirm a default payment plan or establish an agreed-upon payment plan by phone, in which case the

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<sup>15</sup> This is consistent with the requirements of 807 KAR 5:006, Section 14(2).

utility shall keep meticulous records describing all communications. Utilities must also keep detailed records describing their attempts to communicate with customers with past due accounts or who will otherwise be subject to disconnection. Similar to the requirements in 807 KAR 5:006, Section 10(2), these records should reflect the customer's name and address, the dates and nature of the communication, and the agreed-upon payment plan (if any). Upon request by the Commission, these records shall be timely made available for review.

In an attempt to provide additional incentive for utilities to offer longer-term payment plans, any utility, but particularly investor-owned utilities, are expressly permitted, but not required, to apply and defer carrying charges in order to finance the arrearage payment plans for arrearages accumulated on or after March 16, 2020, until October 1, 2020. The carrying charges, if a utility chooses to apply them, shall be applied to arrearages beginning on the date the payment plan is instituted and end the day the arrearage is either paid in full or the agreement is terminated by failure to maintain an on-time status. Carrying charges may be applied to payment plans for customers of any class, including residential, commercial or industrial customers, so long as the payment plan is for arrearages accumulated on or after March 16, 2020 and before October 1, 2020. Utilities may apply these carrying charges to arrearage amounts for payment plans up to two years in length. The rate applied to these arrearages shall be no more than each utility's weighted average long-term debt rate. Although applied to the arrearage, carrying costs will not be charged to the customer. Rather, the Commission finds the financing costs, should a utility choose to apply them, are approved for deferral accounting to be recovered in a subsequent matter. The regulatory asset itself will not

accrue carrying charges, but the Commission will allow it to be recovered either via rate base or as part of capitalization in later proceedings, not just amortized.

With regard to residential customers who have prepay accounts but have fallen into arrears (i.e., their account is active but currently negative), utilities are permitted to either offer payment plans for any arrearage accumulated between March 16, 2020, and October 1, 2020, or use the current sharing/splitting percentages in their prepay tariffs to allocate payments between current and past due amounts.<sup>16</sup> If the utility chooses to offer payment plans for the arrearages accumulated between March 16, 2020, and October 1, 2020, for prepay customers, those payment plans shall be for no less than one year and no longer than two years. Similar to the postpay residential payment programs, utilities may not offer consumers payment plans that require the customer to pay more than a fixed, equal installment over the term of the plan. In addition to having the opportunity to offer payment plans to prepay customers for arrearages owed, utilities that have prepay programs may also offer plans to customers who have amassed arrearages with prepay accounts between March 16, 2020, and October 1, 2020, using their current offering to split future payments according to the terms of their tariffs. Deviations or modifications to the tariff provisions may be sought in this matter by verified application or motion.

Industrial, public, and commercial accounts, and their associated arrearages, are materially different from those of residential customers. During the pandemic, businesses across the nation have been afforded the opportunity to participate in the Paycheck

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<sup>16</sup> For example, Big Sandy Rural Electric Cooperative Corporation's prepay metering tariff provides for a 70/30 percent split, with 70 percent of the payment applied to the daily usage account and 30 percent to the unpaid debt. Big Sandy Rural Electric Cooperative Corporation's Tariff Prepay Metering Program, Sheet No. 2.

Protection Plan,<sup>17</sup> whereby those receiving loans can apply those amounts to utility bills for certain periods and those amounts will ultimately be forgiven. Further, because industrial and commercial customers have access to financing options that residential customers do not, the Commission will not extend the payment plan requirement nor the prohibition against assessing late fees to nonresidential customers. As of October 20, 2020, a moratorium no longer exists on disconnection for nonpayment or the assessment of late charges for nonresidential accounts. The Commission still urges utilities to establish nondiscriminatory payment plans and extend leniency, if necessary or advisable, for these customers or otherwise work with them to address any past due amounts.

The Commission is concerned about some utilities' accrual of bad debt expense and their write-off practices. Although a change in circumstances may necessitate changes in how utilities accrue or estimate bad debt expense, the Commission will defer passing judgment on those impacts on rates until a utility's next rate case or another appropriate matter. The Commission is sincerely concerned with smaller utilities' processes for writing off bad debt, where it is apparent from data request responses that many utilities merely give up on amounts owed and make little attempt to recover the monies. Additionally, the Commission is concerned by the degree at which jurisdictional utilities depend on late payment fees and nonrecurring charges to meet their income requirements. As noted before, late payment fees are merely used to incentivize on-time payment, and nonrecurring charges are supported as being merely cost-based. The Commission will likely address these concerns in a subsequent forum. Finally, based on

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<sup>17</sup> S.3548, Pub. Law 116-136

its experience during this pandemic, the Commission is concerned with the number of utilities subject to its jurisdiction that use the prospect of disconnecting service as their primary tool to ensure that customers timely pay. The Commission notes, however, the prospect or reality of disconnection should be the final action a utility takes regarding customer nonpayment. Disconnection of utility service is a drastic and life-altering circumstance and should not be treated so lightly.

It is undisputed that water and sewer service, even above electric and gas service, is necessary for customers to maintain the sanitary and healthy conditions required to combat a viral pandemic. Because of the economic climate in Kentucky, which only recently recovered from historic levels of unemployment and still maintains an unemployment rate higher than before the pandemic,<sup>18</sup> many customers will struggle to pay their current bills as well as their past due accounts. In an attempt to avoid the mass disconnection of water and sanitary sewer service, thus exacerbating the current state of emergency and public health crisis, we plead for organized, robust utility financial assistance. Whether it is a state earmark of federal COVID-19-related assistance, use of local funds received via community development block grant (CDBG) offerings, or direct federal assistance, what is clear is that the demand exists for significant funding to assist with water and sewer bills across the Commonwealth.

As important as electric and gas services are, heating and cooling programs exist for assistance with these services, including LIHEAP. As a result of continued federal assistance, the Commonwealth's LIHEAP programs received historic funding amounts

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<sup>18</sup> The unemployment rate in February 2020 was 4.4 percent, in April 2020 it was 16.2 percent, and it was 6.2 percent at the end of July 2020. <https://fred.stlouisfed.org/series/KYURN> (Last visited Sept. 7, 2020).

during this pandemic to help offset electric bills for our most vulnerable. Also, as a result of a mild winter, there were leftover LIHEAP funds and Community Action Kentucky (CAK) administered an increasingly-rare cooling program with LIHEAP money as well.<sup>19</sup>

Unlike the LIHEAP program for electric and gas bills, however, organized water and sewer assistance, particularly from the federal government, does not exist. As previously mentioned in this Order, the need for utility assistance, but particularly for water and sewer assistance, has been growing for decades. This pandemic has merely exacerbated the demand for such assistance. Given the levels of arrearages, late payments, and struggling communities, the Commission urges stakeholders to endeavor to find creative solutions to ensure the continuity of water and sewer services. For example, funds from CDBGs provided to respond to COVID-19 (CDBG-CV) could be earmarked, upon being allocated to local governments, for water and sewer needs brought on by the viral pandemic. The Commission conservatively calculates that the demand and need for water and sewer assistance exceeds \$15 million today. That need will certainly increase over the coming months. Coupled with the unmet need of customers' gas and electric demands, the Commission calculates that as of the date of entry of this Order, Kentucky consumers require at least \$75 million to ensure continuity of utility service. This need however follows a relatively mild winter and summer, and with winter approaching, the demand for utility assistance to protect Kentuckians from disconnection during an unprecedented global viral pandemic will likely be at least \$150 million before the end of 2020. Kentucky residential consumers spend nearly \$3 billion

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<sup>19</sup> <https://www.capky.org/home-page/community-action-agencies-accepting-applications-for-liheap-summer-cooling/> (Last visited Sept. 7, 2020).

on electricity alone each year.<sup>20</sup> The amount of assistance available now, and historically, represents a relative pittance when compared to the Commonwealth's need. The Commission acknowledged and attempted to address within its limited power, the growing demand for utility assistance when it investigated and modified Home Energy Assistance (HEA) programs subject to its jurisdiction within the last year.<sup>21</sup> The Commission's ability to address this growing demand for assistance is limited though, and as such, it seeks additional help in addressing this growing concern.

The Commission respectfully requests that the Commonwealth earmark COVID-19 relief funds intended to be provided to local governments specifically for water and sewer service, whether through CDBG-CV or other avenues. Furthermore, to the extent monies are available, the Commission respectfully requests that the Commonwealth dedicate other federal CARES Act<sup>22</sup> money, similar to the recently announced eviction fund,<sup>23</sup> with half of the amount provided dedicated to addressing water and sewer arrearages and the remainder available for any type of utility assistance. Based on its experience with the organization, the Commission preliminarily recommends funds not directly allocated to local governments be administered by CAK and its affiliates. CAK and the associated community action agencies across the state are already tasked with administering the Commission-jurisdictional HEA funds, LIHEAP, and the TEAM

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<sup>20</sup> United States Energy Information Administration, Kentucky Electricity Profile 2018, <https://www.eia.gov/electricity/state/kentucky/> (Last Visited Sept. 16, 2020).

<sup>21</sup> Case No. 2019-00366, *Electronic Investigation of Home Energy Assistance Programs Offered By Investor-Owned Utilities Pursuant to KRS 278.285(4)* (Ky. PSC May 4, 2020).

<sup>22</sup> S.3548, Pub. Law 116-136.

<sup>23</sup> Executive Order 2020-700.

Kentucky Fund.<sup>24</sup> CAK's structure, reach, and experience would reduce inefficiencies and ensure statewide coverage while allowing funds be applied to jurisdictional utilities and nonjurisdictional providers, such as municipalities, alike. Nevertheless, any allocation of currently available funds will be inadequate to address the mounting need for utility assistance our Commonwealth has and had before the pandemic. As such, the Commission finds it necessary to serve this Order on Kentucky's federal Congressional delegation, in order to inform their decision-making during this state of emergency and during the next few years.

Since its inception, the Commission has endeavored to ensure adequate service at fair, just, and reasonable rates.<sup>25</sup> The Commission takes its statutory obligations seriously and has done its utmost to ensure that when a switch is flipped or a faucet is turned, the utility service flows. For many, regardless of the fact that rates are fair, just, and reasonable under Kentucky law, circumstances dictate that service is unavailable because of personalized impediments. As one Kentucky consumer recently wrote to the Commission regarding a possible increase in rates, "I get \$465.00 a month to live on. I would be better off dead. I am only existing, not living. My life should be better than this in a country so rich." Circumstances demand that we all take action to address the dilemmas facing our Commonwealth. Staring us in the face is the reality that without help, thousands of Kentuckians will be unable to pay utility bills during a viral pandemic and the corresponding economic downturn. Instituting the Commission's moratorium on disconnections was a necessary, albeit temporary act. Maintaining this moratorium

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<sup>24</sup> Executive Order 2020-253.

<sup>25</sup> KRS 278.020 and KRS 278.030.

though is unsustainable in light of the eventual impact to utilities (in particular publicly owned utilities with already slim margins) that require adequate income to provide service. As such, permanent solutions are required. Therefore, the Commission implores Kentucky's Congressional delegation to review the need and lack of utility assistance in the Commonwealth, both during this current pandemic and moving forward. Thousands of Kentuckians' ability to keep their lights on or water running depends on their attention to this pressing issue.

The Commission's March 16, 2020 Order and its related effects will require additional Orders in this matter, including addressing waivers and deviations already granted, and issues regarding deferral accounting, sample meter testing and numerous other miscellaneous issues that will surely arise. The Commission will address those items in due time, but for now, its attention is focused on the matter at hand: ensuring availability of necessary utility service for Kentuckians at a time it is most needed. As noted in the Commission's March 16, 2020 Order, any questions, concerns, or relief may be addressed upon motion in this docket or informally through the electronic mail inbox of the Commission's Executive Director.<sup>26</sup> As in the March 16, 2020 Order establishing this proceeding, a utility should petition the Commission for relief from its tariff or Commission regulations or statutes that the utility believes would prevent the utility from achieving the dictates of this or any other related Order.

IT IS THEREFORE ORDERED that:

1. The Executive Director shall serve a copy of this Order upon The Kentucky Office of the Governor, Senator Rand Paul, Senator Mitch McConnell, Representative

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<sup>26</sup> [PSCED@ky.gov](mailto:PSCED@ky.gov)

James Comer, Representative Brett Guthrie, Representative John Yarmuth, Representative Thomas Massie, Representative Hal Rogers, and Representative Andy Barr.

2. Utilities shall create payment plans of arrearages of no less than six months and no longer than two years in duration for all customers who have accumulated arrearages from service rendered on or after March 16, 2020, and before October 1, 2020. Regardless of the length of the payment plan, default payment plans shall only require the customer to pay a fixed, equal installment over the term of the plan.

3. Utilities shall make all reasonable efforts to contact the customers who have received default payment plans.

4. Utilities shall, for customers that request alternative payment plans to the default payment plan ordered by the Commission, work with customers on payment plans that accommodate customer circumstances while balancing the concern of the utility, including its income and cash flow.

5. Utilities shall consider a customer with arrearages subject to a payment plan “on-time” for all purposes, except those explicitly exempted in this Order, as long they timely pay their bill for current service *and* the amount required under the default or alternative, agreed-upon payment plan.

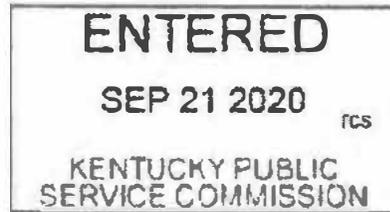
6. A utility shall not be permitted to deviate from its tariffs, particularly regarding disconnections, unless permitted herein or by a subsequent Commission Order.

7. A utility, with regard to residential customers who have prepay accounts but have fallen into arrears, shall be permitted to either offer payment plans for the arrearage

accumulated between March 16, 2020, and October 1, 2020, or use the current sharing/splitting percentages in their prepay tariff to allocate payments between current and past due amounts. If the utility chooses to offer payment plans for the arrearages accumulated between March 16, 2020, and October 1, 2020, for prepay customers, those payment plans shall be for no less than one year and no longer than two years and shall only require the customer to pay a fixed, equal installment over the term of the plan.

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By the Commission



ATTEST:

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Acting Executive Director

Case No. 2020-00085





**ANDY BESHEAR**  
GOVERNOR

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-881**  
**October 19, 2020**

**STATE OF EMERGENCY RELATING TO UTILITIES**

The novel coronavirus (COVID-19) is a respiratory disease causing illness that can range from very mild to severe, including illness resulting in death, and many cases of COVID-19 have been confirmed in the Commonwealth.

The Kentucky Constitution and Kentucky Revised Statutes, including KRS Chapter 39A, empower me to exercise all powers necessary to promote and secure the safety and protection of the civilian population. Under those powers, I declared by Executive Order 2020-215 on March 6, 2020, that a State of Emergency exists in the Commonwealth.

On May 8, 2020, I issued Executive Order 2020-323, encouraging Kentuckians to remain Healthy at Home to help protect the Commonwealth from the spread of COVID-19, including by ensuring Kentuckians have power, shelter, and water, but also to allow Kentuckians to be Healthy at Work. Paragraph 6. of Executive Order 2020-323 suspended utility disconnections due to non-payment by all entities that provide natural gas, water, wastewater, or electric utility service within the Commonwealth, including, but not limited to entities created under KRS Chapters 96 and 279. The provision expressly provided that nothing within the Order shall be construed as relieving any individual of the obligation to pay for a utility service provided, or to comply with any other obligation that an individual may have with a utility.

Even as efforts have been made to reopen the economy, the Commonwealth and the United States remain in a daily battle with COVID-19. Kentuckians must work together to ensure our citizens have power, water, wastewater and other utility services to remain Healthy at Home in order to protect the public from the transmission of the disease.

**NOW THEREFORE**, I, Andy Beshear, by virtue of authority vested in me pursuant to the Kentucky Constitution and by KRS Chapter 39A, do hereby Order and Direct as follows:

**EXHIBIT**

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**ANDY BESHEAR**  
GOVERNOR

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-881**  
**October 19, 2020**

1. Pursuant to the authority vested in me by KRS Chapter 39A, paragraph 6. of Executive Order 2020-323, the suspension of disconnections due to non-payment by all entities that provide natural gas, water, wastewater, or electric service within the Commonwealth, including, but not limited to entities created under KRS Chapters 96 and 279, shall be rescinded effective November 6, 2020, subject to the conditions in this Order.
2. All entities that provide natural gas, water, wastewater, or electric service within the Commonwealth, including, but not limited to entities created under KRS Chapters 96 and 279, shall continue to waive the assessment of late payment fees for residential customers through December 31, 2020.
3. Between the date of this Order and November 6, 2020, all entities that provide the services to residential customers as described in paragraph 1. of this Order shall:
  - a. By default for all affected residential customers, create payment plans for all arrearages accumulated from service rendered on or after May 8, 2020, and before October 25, 2020, to the extent that past due balances exist. The term of the default payment plan shall be no less than six months. Regardless of the length of the default payment plan, each default payment plan shall only require the customer to pay a fixed, equal installment over the term of the plan. For example, a default payment plan of six months for an arrearage of \$120.00 would have a monthly payment of \$20.00. It shall not be required to automatically enroll customers in a default payment plan for an arrearage of \$25 or less, provided that the customers will not be disconnected for the arrearage and that the utility shall enroll the customer in a payment plan at the customer's request identical to a default payment plan described above. An entity may maintain current payment plans entered into voluntarily provided that the utility convert the existing payment plan to the required default payment plan upon either the customer's default on their existing plan or at the request of the customer.; and
  - b. Take all reasonable efforts to contact all customers who have received default payment plans to convey information about their accounts, including, but not limited to, customer arrearages, ways to pay, details of payment plans, and sources of potential assistance; and
  - c. Work with any customer who requests an alternative to the default payment plan under this Order on a payment plan that accommodates the customer's circumstances while balancing the concern of the entity, including the entity's income and cash flow. Nothing in this or any other Executive Order shall be construed to prohibit an entity that provides electric, gas, water or wastewater service to enter into a payment plan with a customer that requests an alternative to the required default payment plan as long as the request is made by the customer and the customer is made explicitly aware of their right to the default payment plan.; and



**ANDY BESHEAR**  
**GOVERNOR**

**EXECUTIVE ORDER**

**Secretary of State**  
Frankfort  
Kentucky

**2020-881**  
**October 19, 2020**

- d. Consider any customer with arrearages subject to a payment plan “on-time” for all purposes, except those explicitly exempted in this Order, so long as the customer timely pays his or her bill for current service and the amount required under a default, existing, or alternative, agreed-upon payment plan.
4. If a customer fails to maintain an “on-time” status with regard to current service and a default, existing, or agreed-upon payment plan, the customer may be subject to disconnection beginning on November 6, 2020. To ensure continuity of service during a global pandemic, entities are encouraged to offer subsequent payment plans to customers who have an initial payment plan for arrearage amounts between May 8, 2020, and October 25, 2020, and are unable to maintain an “on-time” status as explained in this Order. When a customer is no longer considered “on-time” regarding arrearage amounts accumulated between May 8, 2020, and October 25, 2020, entities shall follow their tariffed or written procedures for disconnection should they choose to disconnect a customer.
5. To allow eligible customers to seek relief under any assistance program that requires customers to be late or subject to disconnection in order to qualify for utility assistance, any customer with a default or agreed-upon payment plan for a minimum of six months after November 6, 2020, is late and subject to disconnection for assistance program purposes only.
6. Entities that provide natural gas, water, wastewater, or electric service to nonresidential customers within the Commonwealth, including, but not limited to entities created under KRS Chapters 96 and 279, are encouraged to establish nondiscriminatory payment plans to customers as described in paragraph 3. of this Order.
7. Federal Coronavirus Relief Funds in the amount of \$15 million will be dedicated for a Healthy at Home Utility Relief Fund that will be created to provide relief from utility service disconnection, primarily relief from disconnection of water and wastewater services.
8. Other funds exist that may also help some utility service customers in Kentucky, including, but not limited to: the Team Kentucky Fund; the Salvation Army; United Way; Catholic Charities; federal Coronavirus Relief Funds distributed to local governments; the One Louisville: COVID-19 Response Fund in Jefferson County; the Association of Community Ministries in Jefferson County; the Financial Assistance Program of the Louisville Metro Department of Community Services; the Emergency Financial Assistance Program of the Lexington-Fayette County Urban Government Division of Community Services; the Kentucky Low-Income Home Energy Assistance Program (LIHEAP); Home Energy Assistance programs administered by Community Action Kentucky; Community Winterhelp, Inc. in Jefferson County; the Federal Emergency Management Agency Individuals and Households Assistance Program; and the Kentucky American Water program named H2O.



ANDY BESHEAR  
GOVERNOR

EXECUTIVE ORDER

Secretary of State  
Frankfort  
Kentucky

2020-881  
October 19, 2020

9. No provision contained within this Order shall be construed as relieving any individual of the obligation to pay for a utility service provided, or to comply with any other obligation that an individual may have with an entity subject to this Order's terms.
10. Although entities that provide natural gas, water, wastewater, or electric service within the Commonwealth will be permitted to resume service disconnection due to non-payment on November 6, nothing in this Order should be interpreted as requiring these entities to disconnect those services. Any entity may continue to or voluntarily choose to suspend disconnections due to non-payment.
11. Nothing in this Order should be construed to prevent or prohibit any entity that provides provide natural gas, water, wastewater, or electric service within the Commonwealth to voluntarily enter into payment plans with customers for arrearages accumulated for service rendered before or after the time period of May 8, 2020 to October 25, 2020.
12. Any communication related to this Order should be directed to the Kentucky Public Service Commission.
13. Nothing in this Order is intended to supersede the orders of the Kentucky Public Service Commission for utilities under its jurisdiction. The Kentucky Public Service Commission's orders continue in full effect until rescinded or modified by the Kentucky Public Service Commission.
14. Nothing in this Order should be interpreted to interfere with or infringe on the powers of the legislative and judicial branches to perform their constitutional duties or exercise their authority.

This Order is effective on October 19, 2020, and shall be in effect through the duration of the State of Emergency under Executive Order 2020-215, or until this Order is rescinded by further order or by operation of law, and shall be subject to renewal if necessary to protect the lives, property, or welfare of the citizens of the Commonwealth.

  
ANDY BESHEAR, Governor  
Commonwealth of Kentucky

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MICHAEL G. ADAMS  
Secretary of State

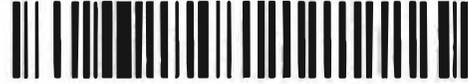
**West Laurel Water Association**

PO Box 726  
London, KY 40743

Return Service Requested

(606) 878-9420  
(800) 551-7965 (Outside London-East Bernstadt Area)

ACCOUNT #	
Net Due On or Before 4/15/2021	\$33.57
Penalty Amount	\$3.01
Pay After 4/15/2021	\$36.58



Raymond Bailey  
181 Ben Bailey Rd  
London, KY 40744-8521

West Laurel Water Association  
P.O. Box 726  
London, KY 40743

IF PAYING AT THE OFFICE PLEASE BRING ENTIRE BILL  
RETURN THIS PORTION WITH PAYMENT

RETAIN THIS SECTION FOR YOUR RECORDS

**West Laurel Water Association**  
1670 E. Hal Rogers Pkwy  
PO Box 726  
London, KY 40743

ACCOUNT NAME		RAYMOND BAILEY					
ACCOUNT #		SERVICE ADDRESS					
		181 BEN BAILEY RD					
DESCRIPTION	METER	READING DATES	PREVIOUS	PRESENT	USAGE	CHARGES	
WA Water	18006348	02/10 - 03/12	143400	146000	2600	\$29.19	
E9 E911						\$3.50	
UT Local Tax						\$0.88	
The office will be close on April 2, 2021 for Good Friday			Net Due On or Before 4/15/2021		\$33.57		
			Penalty Amount		\$3.01		
			Pay After 4/15/2021		\$36.58		

**More Ways to Pay**

Now Offering Online Pay By Debit And Credit Cards  
Pay Online at [westlaurelwaterassociation.com](http://westlaurelwaterassociation.com)  
Or Stop By And Sign Up For Our Automatic Payment Service  
From A Checking Account

**\*Customers with signed payment arrangements\***

You MUST pay the current bill PLUS your arranged amount by the 15<sup>th</sup>  
for your payment arrangement to remain valid & avoid disconnection.

*"This institution is an equal opportunity provider, and employer."*



**West Laurel Water Association**

**1670 E. Hal Rogers Pkwy.**

**P.O. Box 726**

**London, KY 40743**

**(606) 878-9420 (800) 551-7965 (Outside London-East Bernstadt Area)**

**Night: (606) 843-7113**

**Office Hours**

**8.00 a m - 4 30 p m**

Payments must be in the office by the 15th of the month to avoid late payment charges

You should allow 4 - 5 days for delivery

We offer automatic bank withdrawals  
Night deposit only is also available at our  
drive-thru for your convenience

**RATES**

<b>First 1,000 Gallons</b>	<b>\$14.79 (Minimum Bill)</b>
<b>Next 2,000 Gallons</b>	<b>\$9.00 Per 1,000 Gal.</b>
<b>Next 2,000 Gallons</b>	<b>\$8.57 Per 1,000 Gal.</b>
<b>Next 5,000 Gallons</b>	<b>\$8.04 Per 1,000 Gal.</b>
<b>All Over 10,000 Gallons</b>	<b>\$6.64 Per 1,000 Gal.</b>

**A LATE CHARGE WILL BE ADDED TO ALL BILLS PAID AFTER THE 15TH OF THE MONTH.**

**BILLS ARE DUE AND PAYABLE UPON RECEIPT**

**NOT RESPONSIBLE FOR MAIL DELIVERY**