

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BIG SANDY	)	
WATER DISTRICT FOR AN ADJUSTMENT OF	)	CASE NO.
ITS WATER RATES PURSUANT TO 807 KAR	)	2022-00044
5:076	)	

ORDER

On March 25, 2022, Big Sandy Water District (Big Sandy District) tendered an application, pursuant to 807 KAR 5:076, requesting to adjust its monthly water service rates. With its application, Big Sandy District filed a motion seeking a deviation from the provision of 807 KAR 5:076, Section 4(1), which requires that an application for an alternative rate adjustment filed pursuant to 807 KAR 5:076 be accompanied by a completed ARF Form-1 that is made under oath and signed by the applicant or an officer of the applicant who has knowledge of the matters established in the application.<sup>1</sup> By Order dated April 14, 2022 the Commission granted Big Sandy District’s motion and accepted its application as filed as of that date.

The Commission finds that a procedural schedule<sup>2</sup> is established to ensure the orderly review of Big Sandy District’s application. The procedural schedule is attached as an Appendix to this Order.

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<sup>1</sup> Motion for Deviation (filed Mar. 25, 2022).

<sup>2</sup> No action is necessary to suspend the effective date of Big Sandy District’s proposed rates for service. Pursuant to 807 KAR 5:076, Section 7(1), an applicant who applies for a rate adjustment pursuant to the procedures set for in 807 KAR 5:076 may not place its proposed rates into effect until the Commission approves those rates or six months from the date of the filing of its application.

IT IS THEREFORE ORDERED that:

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

2. No later than the date set forth in the procedural schedule, Commission Staff shall file with the Commission and serve upon all parties of record a written report (Commission Staff's Report) containing its findings and recommendations regarding Big Sandy District's requested rate adjustment.

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

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

b. Any additional evidence for the Commission to consider.

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

5. If Commission Staff finds that changes should be made to the manner in which Big Sandy District accounts for the depreciation of Big Sandy District's assets, Big Sandy District in its response to the Commission Staff's Report shall also state its position in writing on whether the Commission should require Big Sandy District to implement the proposed change for accounting purposes.

6. A party's failure to file written objections to a finding contained in the Commission Staff's Report within 14 days after the date of the filing of the Commission Staff's Report shall be deemed a waiver of all objections to that finding.

7. If a party requests a hearing or informal conference, then the party shall make the request in its written comments and state the reason why a hearing or informal conference is necessary.

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

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

10. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding that is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented or the issues and facts the person will present that will assist the Commission in fully

considering the matter. A mere recitation of the quantity of water consumed by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene filed after the date established in the procedural schedule attached as an Appendix to this Order shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

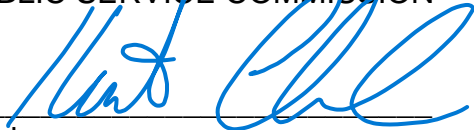
11. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>3</sup> regarding filings with the Commission.

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<sup>3</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

PUBLIC SERVICE COMMISSION

  
\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Commissioner

ENTERED  
MAY 06 2022  
rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

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

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2022-00044 DATED MAY 06 2022

Requests for intervention shall be filed no later than.....05/13/2022

All requests for information to Big Sandy District  
shall be filed no later than ..... 05/18/2022

Big Sandy District shall file responses to requests  
for information no later than ..... 06/08/2022

All supplemental requests for information to  
Big Sandy District shall be filed no later than ..... 06/22/2022

Big Sandy District shall file responses to supplemental  
requests for information no later than ..... 07/06/2022

Commission Staff's Report shall be filed no later than.....08/17/2022

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