

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BREATHITT)	CASE NO.
COUNTY WATER DISTRICT FOR A RATE)	2022-00136
ADJUSTMENT PURSUANT TO 807 KAR 5:076)	

ORDER

This matter arises upon Breathitt County Water District's (Breathitt District) request for an extension of time to cure certain filing deficiencies. On June 13, 2022, Breathitt District tendered an alternative rate adjustment (ARF) application that was rejected for filing in a letter issued on June 20, 2022. In the request for an extension, Breathitt District explained that it would need additional time to prepare a rate study that would provide the information needed to cure the filing deficiency. Breathitt District requested additional time to determine when a rate study could be completed, but did not provide a specific or estimate of the additional time required to obtain the information to cure the filing deficiency.

Based upon the request and case record, the Commission finds that Breathitt District did not establish good cause to grant the extension. Breathitt District's annual report for calendar year 2021 was due on March 31, 2022; Breathitt District did not file its ARF application until June 13, 2022. Given these dates, Breathitt District should have been aware that the test year for an ARF filed after March 31, 2022, would be 2021 in accordance with 807 KAR 5:076, Section 9. Breathitt District must use its best efforts to timely complete the rate study and cure the filing deficiencies as soon as possible.

Because this application has not yet satisfied the legal filing requirements, the Commission finds that this application has not been deemed filed and the statutory deadlines to process this case set forth in 807 KAR 5:076 have not begun to run. The Commission further finds that this matter should be held in abeyance pending Breathitt District submitting the information needed to cure the filing deficiency, which will allow the Commission to monitor Breathitt District's progress in curing the filing deficiency. The Commission ordered Breathitt District to file an ARF no later than November 5, 2021.¹ On October 27, 2021, Breathitt District requested an extension until April 5, 2022, to file the ARF, but failed to provide any reason for the delay.² The Commission denied the request and directed Breathitt District to file an ARF as soon as possible.³

Given the previous delay in filing the ARF and that Breathitt District filed an ARF using a test year other than that required in 807 KAR 5:076, Section 9, the Commission directs Breathitt District to file a report on the status of its efforts to cure the filing deficiency every two months, beginning two months after the date of this Order and continuing every two months after that date. Breathitt District is cautioned that failure to timely cure the filing deficiencies may result in sanctions for its failure to comply with the Commission's order in Case No. 2020-00218.

¹ Case No. 2020-00218, *Electronic Application of Breathitt County Water District for the Issuance of a Certificate of Public Convenience and Necessity to Construct a Water Improvements Project Pursuant to the Provisions of KRS 278.020 And 807 KAR 5:001* (Ky. PSC Nov. 5, 2020).

² Case No. 2020-00218, *Breathitt County Water District* (filed Oct. 27, 2021), Breathitt District Motion for Extension of Time.

³ Case No. 2020-00218, *Breathitt County Water District* (Ky. PSC Nov. 17, 2021), Order.

IT IS THEREFORE ORDERED THAT:

1. Breathitt District's request for an extension of time to cure filing deficiencies is denied.

2. This case is held in abeyance pending Breathitt District tendering documents to cure the filing deficiencies.

3. Breathitt District shall file a status update reporting on its efforts to cure the filing deficiencies beginning two months after the date of this Order and continuing every two months after that date, until further Order of the Commission.

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PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner



ATTEST:



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