

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED WATER)	CASE NO.
ADJUSTMENT FILING OF WESTERN PULASKI)	2023-00319
COUNTY WATER DISTRICT)	

ORDER

On September 21, 2023, Western Pulaski County Water District (Western Pulaski District) applied for approval to adjust its rates pursuant to the purchased water adjustment (PWA) procedure set forth in KRS 278.015 and 807 KAR 5:068. The Commission, on its own motion, finds that this matter should be dismissed for the reasons discussed below, with leave to refile.

LEGAL STANDARD

In accordance with KRS 278.015, when a wholesale supplier selling water to a water district increases its rates, the water district has the authority to increase its rate commensurate with the wholesale supplier. KRS 278.015(2) and 807 KAR 5:068, Section 4(2)(b) provides that a water district can submit a PWA application no earlier than 30 days prior to the proposed effective date of the supplier's changed rate or no later than 20 days after the utility, without prior Commission approval, adjusts its rates to reflect the change in its purchased water costs due to the supplier's changed rate.

In a PWA application, the water district must file a copy of the notice from the wholesale supplier showing the increase in the wholesale rate, and a statement of the volume of purchased water used to calculate the rate adjustment. The Commission shall

approve the filing or establish revised rates by order no later than 30 days after the above documents are filed with it.

DISCUSSION AND FINDINGS

On September 21, 2023, Western Pulaski District filed its PWA application based on the city of Somerset's (Somerset) notice to Western Pulaski District that Somerset would file a tariff with the Commission on or before September 20, 2023, with the rate increase effective for service on and after November 7, 2023. However, on September 21, 2023, when Western Pulaski District filed its application, Somerset had not yet filed its tariff with the Commission for approval of the increase in rates. KRS 278.180(1) requires Somerset to provide the Commission with 30 days' notice prior to the effective date of a rate increase. To date, Somerset has not yet filed its tariff with the Commission.

Based upon the time periods established in KRS 278.015, 807 KAR 5:068, and KRS 278.180, the earliest date that Western Pulaski District could have tendered its PWA application is October 7, 2023, which is 30 days before the proposed effective date of Somerset's wholesale rate increase. Because Western Pulaski District filed its PWA application prior to the beginning statutory date in which to file an application, the Commission finds that Western Pulaski District's PWA application should be denied as untimely filed outside the permissible filing date. Western Pulaski District is granted to leave to refile within the statutory time period.

IT IS THEREFORE ORDERED that:

1. Western Pulaski District's application for approval to adjust its rates pursuant to the purchased water adjustment procedure is denied.
2. This case is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION

Mark Cook
Chairman

*Key KAC
w/permissions* *Angie Hattom*
Vice Chairman

Mary Pat Reagan
Commissioner

ENTERED
OCT 16 2023
KENTUCKY PUBLIC SERVICE COMMISSION
rCS

ATTEST:

Linda E. Bridwell
Executive Director

*Deron S Byrne, P.E.
Monarch Engineering, Inc.
556 Carlton Drive
Lawrenceburg, KENTUCKY 40342

*Western Pulaski County Water District
2128 West Highway 80
Somerset, KY 42503