

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF JONATHAN CREEK )  
WATER DISTRICT FOR AN ALTERNATIVE ) CASE NO.  
RATE ADJUSTMENT ) 2017-00323

ORDER

On August 3, 2017, the Commission accepted for filing the application (“Application”) of Jonathan Creek Water District (“Jonathan Creek”) requesting to adjust its monthly water service rates pursuant to the procedures set forth in 807 KAR 5:076.

All requests for intervention should be filed by September 5, 2017. Any motion to intervene filed after September 5, 2017, should show a basis for intervention and good cause for being untimely. 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 which 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.

Based on the foregoing, the Commission further finds that 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.

Finding that a procedural schedule should be established to ensure the orderly review of the Application, the Commission HEREBY ORDERS<sup>1</sup> that:

1. No later than November 2, 2017, Commission Staff shall file with the Commission and serve upon all parties of record a written report ("Commission Staff Report") containing its findings and recommendations regarding Jonathan Creek's requested rate adjustment.

2. No later than 14 days after the date of the filing of the Commission Staff 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 Report; and

b. Any additional evidence for the Commission to consider.

3. If Commission Staff finds that Jonathan Creek's financial condition supports a higher rate than Jonathan Creek proposes or the assessment of an additional rate or charge not proposed in the Application, Jonathan Creek in its

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<sup>1</sup> No action is necessary to suspend the effective date of Jonathan Creek's proposed rates for general water 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.

response to the Commission Staff 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.

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

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

6. 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.

7. 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.

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

9. All requests for intervention shall be filed by September 5, 2017.

10. Any motion to intervene filed after September 5, 2017, shall show a basis for intervention and good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule established for this proceeding.

By the Commission



ATTEST:

  
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Acting Executive Director

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