

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF PENDLETON COUNTY)	CASE NO.
WATER DISTRICT FOR AN ALTERNATIVE)	2019-00310
RATE ADJUSTMENT)	

ORDER

On September 3, 2019, Pendleton County Water District (Pendleton District) submitted an application (Application) requesting to adjust its monthly water service rates pursuant to the procedures set forth in 807 KAR 5:076. The Commission notified Pendleton District by letter dated September 9, 2019, that its Application was rejected for failure to satisfy the minimum filing requirements set forth in certain Commission regulations. Pendleton District subsequently cured the filing deficiencies, and its Application was accepted for filing on September 18, 2019.

The Commission finds that a procedural schedule should be established to ensure the orderly review of Pendleton District's Application.

All requests for intervention should be filed by October 31, 2019. Any motion to intervene filed after October 31, 2019, 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 schedule¹ should be established to ensure the orderly review of the Application, the Commission HEREBY ORDERS that:

1. No later than January 15, 2020, Commission Staff shall file with the Commission and serve upon all parties of record a written report (Staff Report) containing its findings and recommendations regarding Pendleton District'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

¹ No action is necessary to suspend the effective date of Pendleton 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.

b. Any additional evidence for the Commission to consider.

3. If Commission Staff finds that Pendleton District's financial condition supports a higher rate than Pendleton District proposes or the assessment of an additional rate or charge not proposed in Pendleton District's Application, Pendleton District in its 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 Pendleton District accounts for the depreciation of Pendleton District's assets, Pendleton District in its response to the Commission Staff Report shall also state its position in writing on whether the Commission should require Pendleton District 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 stands submitted for decision.

8. A party's failure to file a written response within 14 days after the date of the filing of the 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 October 31, 2019.

10. Any motion to intervene filed after October 31, 2019, 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.

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By the Commission

ENTERED
OCT 16 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

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