

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO LATE	)	CASE NO.
PENALTY OF OHIO COUNTY WATER	)	2021-00017
DISTRICT	)	

ORDER

The Commission, on its own motion, initiates this investigation to review Ohio County Water District's (Ohio District) lack of a late payment penalty in its filed tariff. The final Order in Case Number 2020-00167<sup>1</sup> found that Ohio District's filed tariff did not contain a late payment fee. Review of Commission records found that Ohio District filed a 2005 revised tariff sheet in response to the final Order in case 2005-00425.<sup>2</sup> The revised sheet failed to include the late payment fee.

Ohio District assesses customers who pay their bill after the date on which the bill is due a 10 percent late payment fee. After reviewing Ohio District's tariff on file with the Commission, the Commission has determined that Ohio District does not currently have a late fee in its tariff. It appears that, according to Commission records, Ohio District has not had a late fee in its tariff for the past 15 years. It is settled law that a utility may not charge a rate not contained in its tariff.<sup>3</sup> Based on this evidence, the Commission will

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<sup>1</sup> Case No. 2020-00167, *Electronic Application of Ohio County Water District for an Alternative Rate Adjustment* (Ky. PSC Dec. 3, 2020.)

<sup>2</sup> Case No. 2005-00425, *The Application of Ohio County Water District to Increase Certain Nonrecurring Charges* (Ky. PSC Nov. 18, 2005).

<sup>3</sup> See KRS 278.160. See also *Cincinnati Bell Telephone Co. v. Kentucky Public Service Com'n*, 223 S.W.3d 829, 837 (Ky. App. 2007).

initiate a separate investigation to determine if a violation of Commission statutes and regulations has occurred.

The Commission has plenary authority under KRS 278.040 to regulate the rates and services of jurisdictional utilities and to enforce the provisions of KRS Chapter 278.<sup>4</sup> KRS 278.030 requires every utility to furnish “adequate, efficient and reasonable” service. KRS 278.260 permits the Commission, on its own motion, to investigate any act or practice of a utility that affects or is related to the service of a utility. After conducting such an investigation and finding that a practice is unreasonable, unsafe, improper, or inadequate, KRS 278.280(1) further permits the Commission to determine the reasonable, safe, proper, or adequate practice or methods to be observed and to fix same by Order.

IT IS HEREBY ORDERED that:

1. An investigation to review the lack of a late payment penalty in Ohio District’s filed tariff is initiated.

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<sup>4</sup> *Kentucky Public Service Com’n v. Commonwealth ex rel. Conway*, 324 S.W.3d 373, 383 (Ky. 2010).

By the Commission



ATTEST:

  
Executive Director

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