

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION OF KENTUCKY-)	
AMERICAN WATER COMPANY'S ALLEGED)	CASE NO.
VIOLATION OF A TARIFF AND COMMISSION)	2022-00299
REGULATIONS REGARDING METERS AND)	
MONITORING CUSTOMER USAGE)	

ORDER

On September 27, 2022, the Commission established this proceeding to investigate Kentucky-American Water Company's (Kentucky-American) metering practices. On October 12, 2022, the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), was granted intervention.¹ Kentucky-American filed responses to Commission Staff's First Request for Information (Staff's First Request) on November 11, 2022.² The Commission, on its own motion, now finds that a procedural schedule should be established for the orderly processing of this case. The procedural schedule is attached as an Appendix to this Order and is incorporated herein.

Based upon the issues raised in the September 27, 2022 Order and Kentucky-American's responses to Staff's First Request, the Commission finds the entirety of the meter-related formal complaints against Kentucky-American that have been investigated by the Commission in Case Nos. 2017-00452, 2019-00016, 2019-00093, 2019-00133,

¹ Order (Ky. PSC Oct. 12, 2022).

² Kentucky-American's Response to Commission Staff's First Request of Information filed Nov. 11, 2022).

2019-00259, 2019-00373, and 2020-00033 should be incorporated into these proceedings.³

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to data requests are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed.

2. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the

³ See Case No. 2019-00373, *Needham Betz Thoroughbreds, Inc. v. Kentucky-American Water Company*; Case No. 2019-00259, *Lowell Dewayne Shepherd v. Kentucky-American Water Company*; Case No. 2019-00093, *Earl D. Ison, Jr. and Brenda C. Ison v. Kentucky-American Water Company*; Case No. 2019-00016, *William Ellis Bollinger III v. Kentucky-American Water Company*; Case No. 2017-00452, *Roger W. Parry v. Kentucky-American Water Company*; Case No. 2020-00033, *Robert D. Hobdy v. Kentucky-American Water Company*; and Case No. 2019-00133, *Bent Tree Condominium Association v. Kentucky-American Water Company*.

Commission's July 22, 2021 Order in Case No. 2020-00085⁴ regarding filings with the Commission.

3. 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 that 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. Therefore, 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 that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service 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. In addition, any motion to intervene filed after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

4. Kentucky-American shall give notice of any scheduled hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov"; and "Public comments may be

⁴ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listing on the PSC website, psc.ky.gov.” At the time publication is requested, Kentucky-American shall forward a duplicate of the notice and request to the Commission.

5. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

6. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

7. Witnesses who sponsor schedules, testimony, or responses to data requests shall participate in person at any hearing scheduled in this matter.

8. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

9. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

10. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

11. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

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PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner

ENTERED
JAN 05 2023 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00299 DATED JAN 05 2023

Last day for intervention requests to be accepted..... 01/23/2023

Requests for information to Kentucky-American
shall be filed no later than 01/27/2023

Kentucky-American shall file responses to requests for
information no later than..... 02/10/2023

All supplemental requests for information to Kentucky-American
shall be filed no later than 02/28/2023

Kentucky-American shall file responses to supplemental requests
for information no later than 03/14/2023

Intervenor testimony, if any, in verified prepared
form shall be filed no later than 03/31/2023

All requests for information to Intervenors shall
be filed no later than 04/14/2023

Intervenors shall file responses to requests for
information no later than..... 04/28/2023

Kentucky-American shall file, in verified form, its rebuttal
testimony no later than 05/12/2023

Public Hearing to be held in the Richard Raff Hearing Room
at the offices of the Public Service Commission at 211 Sower Boulevard,
Frankfort, Kentucky, for the purpose of cross-examination
of witnesses of Kentucky-American and Intervenors To be scheduled

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