

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF VALLEY GAS,)	CASE NO.
INC. FOR AN ALTERNATIVE RATE)	2022-00315
ADJUSTMENT)	

ORDER

This matter arises from an application for an alternative rate adjustment filed by Valley Gas, Inc. (Valley Gas). On May 31, 2023, Commission Staff's Report was filed into the record, and Valley Gas thereafter had until June 14, 2023, to object to Commission Staff's Report and to request a hearing in this matter. On June 2, 2023, the Commission, on its own motion, scheduled a hearing in this matter for June 30, 2023, at 9 a.m. Eastern Daylight Time. However, Valley Gas never objected to Commission Staff's Report or requested a hearing in this matter. Thus, as discussed in more detail below, the Commission, on its own motion, finds that the evidentiary hearing in this matter should be conditionally canceled.

LEGAL STANDARD

Section 11(3)(a) and (b) of 807 KAR 5:076 require that any written response to Commission Staff's Report be filed within 14 days of the filing of the report and that the report contain, among other things, "[a] request for hearing or informal conference, if applicable." Section 11(3)(c) then states that:

If a party's written response fails to contain an objection to a finding or recommendation contained in the commission staff report, it shall be deemed to have waived all objections to that finding or recommendation. 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.

If the Commission schedules a hearing on an application for an alternative rate adjustment, then “[a]n applicant that is a water district, corporation, partnership, or limited liability company shall, at a hearing conducted on the application, be represented by an attorney who is authorized to practice law in Kentucky.”¹

DISCUSSION

The Commission scheduled the hearing in this matter, in part, out of concern that Valley Gas would request a hearing and that there would be insufficient time to schedule one before the statutory dates in this matter. Because Valley Gas did not object to Commission Staff’s Report or request a hearing, the Commission now finds that a hearing is not necessary in this matter. However, the Commission recognizes that customers have received notice of the hearing and, therefore, may intend to offer public comments, and that Valley Gas may not have requested a hearing because it was already scheduled in this matter. Thus, the Commission finds that the evidentiary hearing in this matter should be canceled and converted to a hearing to receive public comments, if any, unless Valley Gas’s provides notice by June 26, 2023, that it wants to have the evidentiary hearing and will have an attorney to represent it at the hearing as required by 807 KAR 5:076, Section 13(2).

If the evidentiary hearing is canceled and converted to a hearing to receive public comments, the Commission will go on the record at the scheduled time of the hearing to

¹ 807 KAR 5:076, Section 13(2).

receive any public comments or to note that no person has requested to provide public comments. Valley Gas and its representatives will be excused from attending the hearing to receive public comments.

IT IS HEREBY ORDERED that:

1. The evidentiary hearing in this matter shall be canceled and converted to a hearing to receive public comments, if any, unless Valley Gas provides notice by June 26, 2023, that it wants to have the evidentiary hearing and will have an attorney to represent it at the hearing as required by 807 KAR 5:076, Section 13(2).

2. If the evidentiary hearing is canceled and converted to a hearing to receive public comments pursuant to ordering paragraph 1, Valley Gas and its representatives will be excused from attending the hearing to receive public comments.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
JUN 21 2023
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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