

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF NORTH SHELBY)	CASE NO.
WATER COMPANY FOR A RATE ADJUSTMENT)	2022-00317
PURSUANT TO 807 KAR 5:076)	

ORDER

This matter arises upon the proof of publication of customer notice provided by North Shelby Water Company (North Shelby Water) to the Commission on April 13, 2023. North Shelby Water was ordered to provide proof of publication of notice within 30 days of April 6, 2023.¹

LEGAL STANDARD

Commission regulation 807 KAR 5:076, Section 5(2)(b)(3), states, “If a utility has more than twenty (20) customers, it shall provide notice by: . . . Publishing notice once a week for three (3) consecutive weeks in a prominent manner in a newspaper of general circulation in the utility’s service area, the first publication to be made no later than the date the application is submitted to the commission.”

BACKGROUND

On September 27, 2022, North Shelby Water filed an application for an alternative rate filing.² North Shelby Water filed its application to comply with the Commission’s

¹ Order (Ky. PSC April 6, 2023) at ordering paragraph 4.

² North Shelby District tendered its application on September 14, 2022. By letter dated September 19, 2022, the Commission rejected the application for filing deficiencies. The deficiencies were subsequently cured, and the application is deemed filed on September 27, 2022.

Orders in Case No. 2021-00249³ in which the Commission noted that North Shelby Water had not applied for a traditional rate adjustment or an alternative rate adjustment since 2009. North Shelby Water did not request a rate change in the application and therefore, did not provide customer notice. On February 8, 2023, the Commission Staff issued its report (Staff Report) and recommended a rate increase of 2.15 percent and removal of certain labor expenses from nonrecurring charges. North Shelby Water filed a response on February 21, 2023, stating that it did not agree with the rate increase or the removal of certain labor expenses from nonrecurring charges but did not wish to contest the recommendations. On April 6, 2023, the Commission issued an Order finding that North Shelby Water had amended its application and ordered it to notify its customers of the implementation of the rates calculated in the Staff Report by publishing notice of the increase in a newspaper of general circulation in its territory once per week for three consecutive weeks as required by 807 KAR 5:076, Section 5(2)(b)(3). On April 13, 2023, North Shelby Water filed a copy of its customer notice and a document titled "Proof," which, on its face, states that it is not an invoice but appears to be evidence of an arrangement to publish the customer notice in *The State Journal* on April 16, 2023. The document only lists one date and there is no affidavit or proof that the public notice ran for three consecutive weeks, as required by the regulation.

³ Case No. 2021-00249, *Electronic Purchased Water Adjustment Filing of North Shelby Water Company*, (Ky. PSC July 19, 2021) and (Ky. PSC Aug 23, 2022). The Commission initially ordered the utility to file its application by July 19, 2022, but granted North Shelby Water's motion for an extension of time, and allowed the utility up to September 16, 2022 to file its application.

DISCUSSION AND FINDINGS

Having reviewed the filing and being otherwise sufficiently advised, the Commission finds the proof of publication filed by North Shelby Water deficient for the following reasons. North Shelby Water was ordered to publish customer notice once a week for three consecutive weeks as required by 807 KAR 5:076, Section 5(2)(b)(3). The proof filed by North Shelby Water was filed three days prior to the date listed on the documentation. As such, this document is, at best, evidence of North Shelby Water's *intention* to publish its notice once, on April 16, 2023. Nothing was filed indicating that customer notice was actually published in *The State Journal* or any newspaper of general circulation in North Shelby Water's service area once a week for three separate weeks. The proof only lists one anticipated publication date of April 16, 2023. North Shelby Water did not provide any proof, such as an affidavit, that the customer notice was actually published on April 16, 2023, or any other dates.

IT IS THEREFORE ORDERED that:

1. Within 14 days of the service of this Order, North Shelby Water shall notify its customers of the implementation of the rates calculated in the Commission Staff's Report by arranging publication of the notice of the increase in a newspaper of general circulation in its territory once per week for three consecutive weeks.
2. North Shelby Water shall provide proof of publication of the notice to the Commission no later than 30 days from the date of service of this Order. Proof of publication shall include an affidavit from the newspaper stating the dates customer notice was published and copies of the published customer notification showing the published

date. The customer notice shall include the same information as ordered in the April 6, 2023 Order.

3. If the Commission does not receive any written requests for intervention or a hearing in this matter within 30 days of publication of the new rates, this case shall stand submitted to the Commission for a decision based upon the existing record.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
JUN 15 2023
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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