

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BLUEGRASS)	CASE NO.
WATER UTILITY OPERATING COMPANY, LLC)	2022-00432
FOR AN ADJUSTMENT OF SEWAGE RATES)	

ORDER

This matter is before the Commission upon a motion filed on July 31, 2023, by the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), pursuant to 807 KAR 5:001, Section 22, requesting a deviation from the requirement in 807 KAR 5:001, Section 8(3) that parties upload an electronic version of all papers filed in this proceeding to the Commission’s website using the Commission’s E-Filing System and deviation from formatting requirements.

LEGAL STANDARD

Section 8(3) of 807 KAR 5:001 provides in an electronic case that “[a]ll papers shall be filed with the commission by uploading an electronic version using the commission’s E-Filing System at <http://psc.ky.gov>.” Pursuant to 807 KAR 5:001, Section 22, the Commission may permit deviations from that requirement in special cases, for good cause shown.

DISCUSSION

In support of its motion, the Attorney General stated that in response to Bluegrass Water Utility Operating Company, LLC’s First Request for Information to the Attorney General, Item 9, the Attorney General will produce records in excess of 1.3 GB, exceeding

the limitations for uploading onto the Commission's E-Filing System.¹ The Attorney General explained a substantial majority of the documents to be produced are documents the Attorney General received from the Energy and Environment Cabinet and the native formatting for those documents is a mix of PDF, word documents, PowerPoints, and Excel documents in a number of subfolders.² The Attorney General argued it would be unduly burdensome to require the Attorney to modify the organization of those folders and subfolders and reformat those files and requested the ability to provide those documents to the Commission, requestor, and the other intervenor in substantially the same format it received those documents from the Cabinet, in portable document format on a thumb drive.³ The Attorney General acknowledged that this would make public display of those documents difficult, and sought the Commission's decision on how that can be effectively accomplished.⁴

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that the Attorney General has failed to establish good cause to permit it to deviate from filing the documents in question electronically pursuant to 807 KAR 5:001 , Section 8(3). The Commission notes that the documents in question individually do not exceed the limitation for uploads to the Commission's E-Filing System, rather the combination of all documents or files in one single source exceeds that limit. While the Attorney General argued it would be a burden to reorganize the folders or subfolders of

¹ Attorney General's Motion (filed July 31, 2023) at 1.

² Attorney General's Motion (filed July 31, 2023) at 2.

³ Attorney General's Motion (filed July 31, 2023) at 2.

⁴ Attorney General's Motion (filed July 31, 2023) at 2.

information from the original format in which it was received, it did not argue that it is unable to perform that function. The Attorney General also admitted the production of the records via thumb drive would make public display of the documents difficult. While the Commission recognizes the combined size of the data in one source would exceed the E-Filing System limits, it appears the separation of those files is possible, and therefore denies the Attorney General's request for a deviation from filing the information electronically pursuant to 807 KAR 5:001. The Commission will entertain any request for an extension, should the Attorney General need additional time in order to file the documents in question electronically.

IT IS THEREFORE ORDERED that the Attorney General's motion for a deviation is denied.

PUBLIC SERVICE COMMISSION



Chairman



Vice Chairman



Commissioner



ATTEST:



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