

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF LINDSEY)	
ENTERPRISES, LLC FOR INITIAL RULES,)	CASE NO.
REGULATIONS, AND RATES FOR FURNISHING)	2023-00224
GAS SERVICE PURSUANT TO KRS 278.485)	

ORDER

On June 16, 2023, Lindsey Enterprises, LLC (Lindsey Enterprises) filed, through the Commission’s electronic Tariff Filing System, its tariff to establish initial rates, rules, and regulations pursuant to KRS 278.485 and 807 KAR 5:026, which govern gathering systems that provide service to retail customers who tap onto production and gathering systems. On July 7, 2023, the tariff filing was suspended pursuant to KRS 278.190(2) for five months pending an investigation to determine the reasonableness of the proposed tariff, and a procedural schedule was established.¹ Lindsey Enterprises has responded to two requests for information issued by Commission Staff.² Lindsey Enterprises, in its response to Staff’s Second Request, specifically its response to Item 9,³ stated that the rules and regulations were inadvertently omitted from Lindsey Enterprises’ proposed tariff and requested leave to amend its proposed tariff within its response.

¹ Order (Ky. PSC July 7, 2023).

² Lindsey Enterprises’ Response to Commission Staff’s First Request for Information (Staff’s First Request) (filed Aug. 11, 2023), and Lindsey Enterprises’ Response to Commission Staff’s Second Request for Information (Staff’s Second Request) (filed Sep. 29, 2023).

³ Lindsey Enterprises’ Response to Staff’s Second Request, Item 9.

LEGAL STANDARD

Pursuant to 807 KAR 5:001, Section 4(5) states: “Amendments, upon motion of a party and for good cause shown, the commission shall allow a complaint, application, answer, or other paper to be amended or corrected or an omission supplied. Unless the commission orders otherwise, the amendment shall not relate back to the date of the original paper.”

Commission regulation 807 KAR 5:001, Section 5(1) states: “all requests for relief that are not required to be made in an application, petition, or written request shall be by motion.”

DISCUSSION AND FINDINGS

As a threshold issue, 807 KAR 5:001, Section 4(5) outlines the process for amending an application upon ***motion*** of a party to amend. Commission regulation 807 KAR 5:001, Section 5(1) states that all requests for relief not required to be made in an application, petition, or written request shall be by motion. However, this request for leave to amend was made as part of a response to Staff’s Second Request, not by formal motion. The Commission does permit deviation pursuant to 807 KAR 5:001, Section 22 for good cause shown.

Having reviewed the record, the Commission finds good cause to grant the request for leave to amend the tariff filing and treat the request as a motion.

Furthermore, because Lindsey Enterprises did not request that the amended tariff relate back to the initial filing date, or provide a reason the amended application should relate back to the initial filing date, the Commission finds that Lindsey Enterprises’

application is deemed filed on September 29, 2023, the date the request to amend was filed.

IT IS THEREFORE ORDERED that:

1. Lindsey Enterprises' request for leave to amend is granted.
2. Lindsey Enterprises' tariff is deemed filed as of September 29, 2023
3. All provisions of the Commission's August 11, 2023 Order that are not in conflict with this Order shall remain in effect.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

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KENTUCKY PUBLIC
SERVICE COMMISSION

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