

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF OHIO COUNTY)	
WATER DISTRICT TO ESTABLISH NEW)	
CHARGES AND REVISED CONDITIONS OF)	CASE NO.
SERVICE AND ELECTRONIC APPLICATION OF)	2024-00124
OHIO COUNTY WATER DISTRICT FOR A)	
DEVIATION FROM 807 KAR 5:011, SECTION 8(2))	
FOR TARIFF FILING TFS 2024-00151)	

ORDER

On April 1, 2024, Ohio County Water District (Ohio District) filed a revised tariff to establish new charges and revised conditions of service. Ohio District proposed an effective date of May 1, 2024.

Subsequently, on April 25, 2024, Ohio District filed a motion¹ for deviation from certain conditions of 807 KAR 5:011, Section 8(2), that require Ohio District to provide customer notice of its proposed revised tariff, and to permit Ohio District's proposed revised tariff to be considered filed as of May 1, 2024, with an effective date of June 1, 2024.

Commission regulation 807 KAR 5:011, Section 8(2)(b)(3), allows a utility with 20 or more customers to publish customer notice once a week for three 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 tariff filing is submitted to the commission.

¹ Motion for Deviation (Motion) (filed Apr. 25, 2024).

According to its motion,² Ohio District attempted to publish notice of its proposed tariff revisions in four newspapers of general circulation in Ohio, Breckenridge, Grayson, and Daviess counties. However, Ohio District became aware that one of the newspapers published the notice after Ohio District had submitted the proposed revised tariff to the commission and a second newspaper had not published the notice at all.

Commission regulation 807 KAR 5:011, Section 15, grants the Commission the authority to permit deviations from the requirements of 807 KAR 5:011, in special cases, for good cause shown. The Commission finds that Ohio District demonstrated it had used best efforts to publish customer notice in accordance with 807 KAR 5:011, Section 8(2)(b), and that the failure to publish the customer notice was through no fault of Ohio District. Ohio District appears to have notified the Commission as soon as it was aware that the intended publications of customer notice did not meet the requirements of 807 KAR 5:011, Section 8(2)(b)(3). Accordingly, the Commission finds good cause exists to grant Ohio District's motion for deviation from the customer notice requirements of 807 KAR 5:011, Section 8(2)(b)(3), and the proposed revised tariff shall be treated as filed on May 1, 2024, with an effective date of June 1, 2024.

However, KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. Having reviewed the proposed tariff and being otherwise sufficiently advised, the Commission finds that an investigation is necessary to determine the reasonableness of the proposed tariff and that such investigation cannot be completed by June 1, 2024. Pursuant to

² Motion, paragraphs 7-11.

KRS 278.190(2), the Commission will, therefore, suspend the effective date of the proposed tariff for five months, up to and including October 31, 2024.

The Commission also finds that the case style in this matter should be amended to reflect the entirety of the matter more accurately. The case style should now read “Electronic Tariff Filing of Ohio County Water District to Establish New Charges and Revised Conditions of Service and Electronic Application of Ohio County Water District for a Deviation from 807 KAR 5:011, Section 8(2) for Tariff Filing TFS 2024-00151.” In order to appropriately investigate the tariff filing, the Commission also finds that the records filed in tariff filing TFS 2024-00151 should be incorporated in this record.

The Commission directs Ohio District to the Commission’s July 22, 2021 Order in Case No. 2020-00085³ in which the Commission mandated the use of electronic filing procedures listed in 807 KAR 5:001, Section 8. Consistent with the filing procedures set forth in Case No. 2020-00085, the Commission finds that electronic filing procedures should be used.

The Commission further finds that a procedural schedule should be established to review the reasonableness of the proposed tariff. The procedural schedule is attached as an Appendix to this Order.

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

³ 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).

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 requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of the proposed tariff.

2. The case style shall be amended to reflect the case in its entirety and shall read:

ELECTRONIC TARIFF FILING OF OHIO COUNTY WATER DISTRICT TO ESTABLISH NEW CHARGES AND REVISED CONDITIONS OF SERVICE AND ELECTRONIC APPLICATION OF OHIO COUNTY WATER DISTRICT FOR A DEVIATION FROM 807 KAR 5:011, SECTION 8(2) FOR TARIFF FILING TFS 2024-00151

3. The entirety of the case filings in TFS 2024-00151 shall be incorporated into this case.

4. Ohio District's motion for deviation is granted and the tariff shall be treated as filed on May 1, 2024, with an effective date of June 1, 2024.

5. Ohio District's proposed tariff is suspended for five months from June 1, 2024, up to and including October 31, 2024.

6. Ohio District shall provide proof of publication of its updated customer notice to the Commission no later than 30 days from the date of this Order.

7. Ohio District shall, by counsel, enter an appearance in this proceeding within seven days of the date of service of this Order. The entry of appearance shall include the name, address, telephone number, fax number, and electronic mail address of counsel.

8. Unless otherwise ordered by the Commission, the procedures set forth in 807 KAR 5:001, Section 8, related to service and electronic filing of papers shall be followed in this proceeding.

9. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of the date of service of this Order, Ohio District shall file by electronic means a written statement that it waives any right to service of Commission Orders by United States mail and that it or its authorized agent possess the facilities to receive electronic submissions.

10. Unless a party granted leave to intervene states its objection to the use of electronic filing procedures in a motion for intervention, the party shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all papers, including Orders of the Commission, by electronic means; and

b. Within seven days of the date of service of an order of the Commission granting intervention, file with the Commission a written statement that:

(1) It or its authorized agent possesses the facilities to receive electronic transmissions; and

(2) Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

11. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001, Section 4(8).

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

13. Ohio District shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

14. 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, which 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 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 the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

15. Any motion to intervene 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.

16. Ohio District shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of the hearing shall include the following statements: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov" and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, psc.ky.gov." At the time publication is requested, Ohio District shall forward a duplicate of the notice and request to the Commission.

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

18. 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.

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

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

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

22. 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.

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PUBLIC SERVICE COMMISSION

Hunt Elmer
Chairman

Off
Vice Chairman

Mary Pat Regan
Commissioner

ENTERED
APR 30 2024 bsb
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Linda C. Bridwell
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00124 DATED APR 30 2024

- Requests for intervention shall be filed no later than 05/08/2024
- Initial requests for information to Ohio District shall be filed no later than 05/15/2024
- Ohio District shall file responses to initial requests for information no later than..... 05/29/2024
- All supplemental requests for information to Ohio District shall be filed no later than 06/12/2024
- Ohio District shall file responses to supplemental requests for information no later than 06/26/2024
- Intervenor testimony, if any, in verified prepared form shall be filed no later than.... 07/03/2024
- All requests for information to Intervenors shall be filed no later than 07/17/2024
- Intervenors shall file responses to requests for information no later than..... 07/31/2024
- Ohio District shall file, in verified form, its rebuttal testimony no later than 08/07/2024
- Ohio District or any Intervenor shall request either a hearing or that the case be submitted for decision based on the record no later than 08/14/2024

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