

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, 2024.¹ Subsequently, on April 25, 2024, Ohio District filed a motion for deviation² 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.

By Order dated April 30, 2024, the Commission granted Ohio District's motion for deviation, suspended Ohio District's proposed tariff for five months from June 1, 2024, up to and including October 31, 2024, and established a procedural schedule to review the

¹ Pursuant to 807 KAR 5:076, Section 7(2), if the Commission has not issued an order after six months from the date an alternative rate filing, the application is deemed filed and the utility may place the proposed rates into effect, subject to refund, pending the Commission's order upon filing written notice with the Commission of its intent to do so. Otherwise, an applicant using the alternative rate filing procedure may not place the proposed rates into effect until the Commission has issued an order approving the rates. 807 KAR 5:076, Section 7(1).

² Ohio District's Motion for Deviation (filed Apr. 25, 2024).

reasonableness of the proposed tariff. Requests for information were issued on May 9, 2024, and June 6, 2024. Ohio District timely responded to both requests for information.

On July 17, 2024, Ohio District filed a motion³ for leave to substitute its originally proposed filed tariff with a revised tariff that, among other things, contains provisions regarding water main extensions to real estate developments and governmental units. The revised tariff was attached to Ohio District's motion. As grounds for the motion, Ohio District stated, "[i]n the process of responding to Commission Staff's requests, the Ohio District belatedly recognized its omission of provisions for water main extensions to real estate developments."⁴

Commission regulation 807 KAR 5:001, Section 5(1), requires requests for relief that are not required to be made in an application, petition, or written request to be made by motion and the motion shall state precisely the relief requested. Furthermore, Commission regulation 807 KAR 5:001, Section 4(5), grants the Commission authority to allow a complaint, application, answer, or other paper to be amended or corrected or an omission supplied, and unless the Commission orders otherwise, the amendment shall not relate back to the date of the original paper.

The Commission finds that Ohio District's motion for substitution is, in fact, a motion to amend its original application filing in accordance with 807 KAR 5:001, Section 4(5). The Commission further finds that Ohio District demonstrated that it filed its motion as soon as it became aware of the omission of provisions for water main extensions to real estate developments. Accordingly, the Commission finds good cause exists to grant

³ Ohio District's Motion to Substitute (Motion) (filed July 17, 2024).

⁴ Motion at 2, paragraph 5.

Ohio District's motion to amend its original tariff filing. The Commission further finds that the amendment should relate back to the date of the tariff filing of May 1, 2024, and therefore, the suspension date for the tariff filing should remain unchanged, October 31, 2024.

However, due to the new information Ohio District has presented in its amended tariff filing, the Commission, on its own motion, finds that the procedural schedule established on April 30, 2024, should be amended to afford Commission Staff additional time to investigate the amended tariff filing. Specifically, the Commission finds that the procedural schedule should be amended as described in the Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. Ohio District's motion to amend is granted.
2. Ohio District's proposed tariff is suspended up to and including October 31, 2024.
3. The procedural schedule established on April 30, 2024, is amended.
4. The amended procedural schedule set forth in the Appendix to this Order shall be followed.
5. All provisions of the Commission's April 30, 2024 Order that are in conflict with the provisions of this Order are vacated, and all other provisions not in conflict with the provisions of this Order shall remain in effect.

PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman

Mary Pat Regan } *by AH*

Commissioner *with permission*

ENTERED
AUG 09 2024
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00124 DATED AUG 09 2024

Requests for information to Ohio District
shall be filed no later than.....08/21/2024

Ohio District shall file responses to requests
for information no later than.....09/04/2024

All supplemental requests for information to
Ohio District shall be filed no later than.....09/18/2024

Ohio District shall file responses to supplemental
requests for information no later than.....09/25/2024

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