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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of June 30, 2024***2023-00191**

RECEIVED: 06/30/23

FILED: 07/07/23

FINAL:

REOPENED:

SUSPENSION DATE: 02/05/24

**CASE CODE**

General Rates

Construct

Tariffs

**UTILITIES:**

Kentucky-American Water Company

**HEARINGS:**

05/29/24 Informal Conference

12/13/23 Formal Hearing

12/11/23 Formal Hearing

**INDEX OF EVENTS:**

- 06/27/24 Order Entered: 1. Kentucky-American's motion to suspend ordering paragraphs 3 and 5 of the May 3, 2024 Order until the conclusion of the rehearing process is denied. 2. Kentucky-American's motion to suspend consideration of the revised tariff pursuant to ordering paragraph 16 of the May 3, 2024 Order until the conclusion of the rehearing process is denied. 3. Within 60 days of the date of service of this Order, Kentucky-American shall refund to each customer all amounts collected from that customer in excess of the rates approved in the May 3, 2024 Order, as amended nunc pro tunc by the May 17, 2024 and May 28, 2024 Order for service rendered on or after February 6, 2024, through the date of entry of this Order. 4. Kentucky-American shall respond to the request for information attached as an Appendix to this Order by July 1, 2024. 5. Kentucky-American shall respond to any request for information issued by the Commission in this matter regardless of whether or not it is part of a procedural schedule or Order. 6. Kentucky-American shall continue to maintain its records in such a manner as will allow it, the Commission, or any customer to determine the amounts to be refunded, and to whom, in the event a refund is ordered upon final resolution of this matter. 7. The remainder of the May 3, 2024 Order, as amended nunc pro tunc by the May 17, 2024 and May 28, 2024 Order, not in conflict with this Order shall remain in effect.
- 06/14/24 Kentucky-American Water Company Kentucky American Water KAW Responses to PSC Request on Rehearing
- 06/06/24 COMMISSION STAFF'S FIRST REHEARING REQUEST FOR INFORMATION TO KENTUCKY-AMERICAN WATER COMPANY
- 05/31/24 Kentucky-American Water Company Kentucky American Water KAW Motion Regarding Refunds
- 05/28/24 Order Entered: 1. Kentucky-American's petition for rehearing is granted, in part, and denied, in part. 2. Kentucky-American's request that any amended rates amended by rehearing will be effective for service rendered on or after February 6, 2024, is granted for the sole purpose of obtaining additional information before rendering a decision on this issue. 3. Kentucky's petition for rehearing as it relates to annual QIP revenue in present rate revenues, income tax expense, capital structure, and transition of Judy Water Association to the Sale for Resale rate is granted. 4. The Judy Water Association rate found in Appendix B of the May 3, 2023 Order should be stricken and replaced with the Sale for Resale rate of \$0.0046912 per gallon. 5. Kentucky-American's petition for rehearing as it relates to the current bulk system sales is denied. 6. Kentucky-American's request for informal conference is granted. 7. An IC is scheduled on May 29, 2024, at 1:30 p.m. Eastern Daylight Time at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. 8. The Attorney General and LFUCG's petition for a rehearing is granted as to both issues. 9. The procedural schedule set forth in the Appendix to this Order shall be followed. 10. Kentucky-American shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.
- 05/23/24 Kentucky-American Water Company Kentucky American Water KAW Response to AG/LFUCG Joint Petition for Reconsideration
- 05/23/24 M Todd Osterloh Lexington-Fayette Urban County Government Response to Petition for Rehearing
- 05/21/24 Angela M. Goad Office of the Attorney General Attorney General and Lexington-Fayette Urban County Government Joint Petition for Rehearing
- 05/17/24 The Commission HEREBY ORDERS, nunc pro tunc, that: 1. Appendix B, page 2, Bulk Sales (Through Loading Stations) is stricken and is replaced with the following language: Bulk Sales (Through Loading

## Case Management System - KY Public Service Commission

*Regular Cases Before the Commission as of June 30, 2024*

Stations) Rate per 50 Gal \$0.185400 Rate per 100 Gal \$0.370800 2.  
 All other provisions of the Commission's May 3, 2024 Order that are not in conflict with the terms of this Order shall remain in effect. 3. Nothing in this Order shall prevent the Commission from issuing additional orders on this issue if raised in subsequent pleadings.

05/16/24 Kentucky-American Water Company Kentucky American Water KAWs Petition for Rehearing and Motion for Informal Conference

05/03/24 Final Order Entered: 1. The rates and charges proposed by Kentucky-American are denied. 2. The rates and charges, as set forth in Appendix B to this Order, are approved as fair, just and reasonable rates for Kentucky-American, and these rates and charges are approved for service rendered on and after February 6, 2024. 3. Within 60 days of the date of service of this Order, Kentucky-American shall refund to each customer all amounts collected from that customer in excess of the rates approved in this Order for service rendered on or after February 6, 2024, through the date of entry of this Order. 4. Kentucky-American shall pay interest on the refunded amounts at the average of the Three-Month Commercial Paper Rate as reported in the Federal Reserve Bulletin and the Federal Reserve Statistical Release on the date of this Order. Refunds shall be based on each customer's usage while the proposed rates were in effect and shall be made as a one-time credit to the bills of current customers and by check to customers that have discontinued service since February 6, 2024. 5. Within 75 days of the date of this Order, Kentucky-American shall submit a written report to the Commission in which it describes its efforts to refund all monies collected in excess of the rates that are set forth in Appendix B to this Order. 6. Any documents filed with the Commission pursuant to Ordering Paragraph 5 shall be filed in the post-case documents in this case.

04/09/24 Order Entered: 1. Kentucky-American's request for a CPCN for AMI meters is denied. 2. Kentucky-American's proposed \$28 monthly fee to opt-out of an AMI meter is moot and therefore denied. 3. Nothing in this Order shall be construed as prohibiting the Commission from issuing further Orders in this matter.

02/09/24 Order Entered: pursuant to KRS 278.190(2), Kentucky-American shall maintain its records in such manner as will allow it, the Commission, or any customer to determine the amounts to be refunded, and to whom, in the event a refund is ordered upon final resolution of this matter.

02/05/24 Kentucky-American Water Company Kentucky American Water KAW Notice of Intent to Implement Proposed Rates

01/31/24 Notice of Filing Hearing Documents - December 13, 2023

01/25/24 Notice of Filing Hearing Documents - December 11, 2023

01/12/24 Kentucky-American Water Company Kentucky American Water KAWs Reply Brief and Supplemental Response to PSC PHDR 12

01/12/24 M Todd Osterloh Lexington-Fayette Urban County Government Response Brief

01/08/24 Mary Ellen Wimberly Kentucky-American Water Company Filing of Information in Response to December 11, 2023 Order

01/05/24 M Todd Osterloh Lexington-Fayette Urban County Government Post Hearing Brief

01/05/24 Angela M. Goad Office of the Attorney General OAG Post-Hearing Brief

01/05/24 Kentucky-American Water Company Kentucky American Water KAW Post-Hearing Brief

12/22/23 Kentucky-American Water Company Kentucky American Water KAW Responses to AG and Commission Post Hearing Data Requests

12/21/23 Angela M. Goad Office of the Attorney General Attorney General and Lexington Fayette Urban County Government Response to Kentucky-American Water Companys Post-Hearing Request for Information

12/21/23 Angela M. Goad Office of the Attorney General Attorney General and Lexington-Fayette Urban County Government Response to the Commission Staffs Post-Hearing Request for Information

12/19/23 Mary Ellen Wimberly Kentucky-American Water Company Notice of Errata Filing - Bulkley and Walker Rebuttal Testimony

12/15/23 Kentucky-American Water Company Kentucky American Water KAWs Post Hearing DRs to AG/LFUCG

12/14/23 Angela M. Goad Office of the Attorney General OAG Post-Hearing Request for Information

12/14/23 COMMISSION STAFF'S POST-HEARING REQUEST FOR INFORMATION TO THE ATTORNEY GENERAL OF THE COMMONWEALTH OF KENTUCKY AND LEXINGTON\_FAYETTE URBAN COUNTY GOVERNMENT

12/14/23 COMMISSION STAFF'S POST-HEARING REQUEST FOR INFORMATION TO KENTUCKY-AMERICAN WATER COMPANY

12/14/23 Order Entered: IT IS THEREFORE ORDERED that: 1. Post-hearing requests for information, if any, shall be filed on or before December 15, 2023. 2. Responses to post-hearing requests for information shall be filed on or before December 22, 2023. 3. All parties shall file a memorandum brief, should

**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of June 30, 2024*

they choose to do so, in support of their respective post-hearing position on or before January 5, 2024.  
 4. All parties shall file any post-hearing response briefs, should they choose to do so, addressing only issues raised in initial briefs on or before January 12, 2024. 5. This case shall stand submitted for a decision by the Commission effective 12:01 a.m. Eastern Standard Time, January 13, 2024.

12/12/23

Angela M. Goad Office of the Attorney General Errata Filing

12/11/23

Order Entered: 1. Kentucky-American's August 18, 2023 petition for confidential treatment is granted in part and denied in part. 2. Kentucky-American's petition for confidential treatment for its responses to Staff's Second Request, Item 11, Attachment 4; Staff's Second Request, Item 12; Attachments 1; Staff's Second Request, Item 29, Attachment 1; Staff's First Request, Item 30, Attachments 13, 20, and 21; Attorney General's First Request Item 99, Attachments 20, 33, 34, and 36-40; Attorney General's First Request Item 104, Attachment 1; LFUCG's First Request, Item No. 25, Attachments 1 and 2; Attorney General's First Request, Item 3, Attachments 1-4; Staff's Second Request, Item 81, Attachment 1; Staff's Second Request Item 82, Attachment 1; and Staff's Second Request, Item 12, Attachment 2 is granted. 3. Kentucky-American's petition for confidential treatment for its responses to Staff's Second Request Item 17; Staff's Second Request, Item 12, Attachments 2-3; Attorney General's First Request, Item 46, Attachment 1-4; and LFUCG's First Request, Item 75, Attachment 1 is denied.

12/06/23

Angela M. Goad Office of the Attorney General Errata Filing

12/06/23

Kentucky-American Water Company Kentucky American Water KAWs Proof of Publication of Notice of Hearing

12/04/23

Order Entered: 1. Kentucky-American's petition for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission. 3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. Kentucky-American shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment.

11/30/23

Angela M. Goad Office of the Attorney General OAG Witness List

11/30/23

Angela M. Goad Office of the Attorney General OAG and LFUCG Joint Witness List

11/30/23

Kentucky-American Water Company Kentucky American Water KAWs Witness List

11/28/23

Kentucky-American Water Company Kentucky American Water Notice of Request to Publish Hearing Notice

11/27/23

Order Entered: 1. Parties introducing exhibits at the hearing in this matter must prepare sufficient copies of each exhibit to furnish a copy for the record and a copy for the witness, each party, Commission Staff, and each Commissioner. 2. Parties may choose to provide copies of and present exhibits electronically if they provide digital copies of all such exhibits not already in the record via email to counsel for each party, if requested, and Commission Staff, prior to presenting the exhibit, and they display the exhibit on the screens in the hearing room through the screen sharing application used by the Commission. 3. Commission Staff shall contact counsel for the parties to provide details regarding the use of the Commission's screen sharing application and electronic mailing addresses for the receipt of electronic exhibits. 4. Nothing in this Order shall be construed as preventing the Commission from issuing further Orders, whether in writing or during the hearing, regarding the introduction of exhibits. 5. Each party shall file a witness list for the hearing by November 30, 2023.

11/17/23

Order Entered: 1. Kentucky-American's motion for reconsideration is granted. 2. Kentucky-American's request that present chemical prices listed in its response to Staff's First Request Item No. 1 are granted confidential treatment. 3. The remainder of the October 10, 2023 Order not in conflict with this Order remains in effect. 4. The designated material granted confidential treatment by this Order shall not be placed in

the public record or made available for public inspection for five years or until further Order of this Commission. 5. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9).

6. Kentucky-American shall inform the Commission if the designated material granted confidential treatment becomes publicly available or no longer qualifies for confidential treatment. 7. In a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Kentucky-American shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements

## Case Management System - KY Public Service Commission

*Regular Cases Before the Commission as of June 30, 2024*

established in KRS 61.878. If Kentucky- American is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

- 11/09/23 Mary Ellen Wimberly Kentucky-American Water Company Filing of Information in Response to October 10, 2023 Orders
- 11/08/23 Kentucky-American Water Company Kentucky American Water KAW Rebuttal Testimony, Base Period Update, Supplemental DRs
- 11/02/23 Angela M. Goad Office of the Attorney General Attorney General Response to Kentucky-American Water Companys First Request for Information
- 11/02/23 Angela M. Goad Office of the Attorney General Attorney General and Lexington-Fayette Urban County Government Response to Kentucky-American Water Companys First Request for Information
- 11/02/23 Angela M. Goad Office of the Attorney General Attorney General and Lexington-Fayette Urban County Government Response to Commission Staffs First Request for Information
- 10/30/23 Mary Ellen Wimberly Kentucky-American Water Company Motion for Reconsideration of October 10, 2023 Order Denying Confidential Protection for Present Chemical Pricing
- 10/19/23 Kentucky-American Water Company Kentucky American Water KAW DRs to AG and LFUCG
- 10/19/23 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO THE ATTORNEY GENERAL OF THE COMMONWEALTH OF KENTUCKY AND LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT
- 10/16/23 Order Entered: 1. Kentucky-American's petition for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further Order of this Commission. 3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. Kentucky-American shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment. 5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Kentucky-American shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Kentucky- American is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
- 10/10/23 Order Entered: 1. Kentucky-American's petition for confidential treatment is granted in part and denied in part. 2. Kentucky-American's petition for confidential treatment for Kentucky- American's 2023 General Rate Case Total Renumeration Study, chemical pricing information for Thomas G O'Drain's Testimony, installation labor costs and meter and meter component prices in Melissa Schwarzell's Testimony and Kentucky American's Advanced Metering Infrastructure Deployment Plan, and Maps provided in Exhibit WAL-1 is granted. 3. Kentucky-American's petition for confidential treatment for vendor names provided in Melissa Schwarzell's Testimony and vendor names and product data sheets Kentucky American's Advanced Metering Infrastructure Deployment Plan is denied. 4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for five years or until further order of this Commission.
- 10/10/23 Order Entered: 1. Kentucky-American's petition for confidential treatment is granted in part and denied in part. 2. Kentucky-American's petition for confidential treatment for forecasted chemical prices and forecasted purchased water expenses contained in Kentucky- American's response to Staff's First Request Item No. 1; spreadsheet of current and future wages of employees contained in Kentucky-American's response to Staff's First Request Item No. 1 that relate to non-executive compensation; accounting and budgeting practices provided in response to Staff's First Request Items 4 and 5; redacted information related to non-executive employee compensation provided in Attachments 1, 2, and 3 provided in response to Staff's First Request Item 33; performance pay information from Attachment 4 provided in response to Staff's First Request Item No. 33; and the salary information by group provided in response to Staff's First Request Item No. 37 is granted. 3. Kentucky-American's petition for confidential treatment for present chemical prices and present purchased water expenses contained in Kentucky-American's response to Staff's First Request Item No. 1; executive compensation provided in the spreadsheet of current and future wages for employees provided in response to Staff's First Request Item No. 1; comparison of medical benefits provided in response to Staff's First Request Item No. 29

## Case Management System - KY Public Service Commission

*Regular Cases Before the Commission as of June 30, 2024*

09/29/23	Angela M. Goad Office of the Attorney General Attorney General Direct Testimony
09/29/23	Angela M. Goad Office of the Attorney General Attorney General and Lexington-Fayette Urban County Government Direct Testimony
09/29/23	Angela M. Goad Office of the Attorney General Attorney General and Lexington-Fayette Urban County Government Joint Filing of a Memorandum of Understanding
09/21/23	Mary Ellen Wimberly Kentucky American Water KAW Petition for Confidential Protection
09/21/23	Kentucky-American Water Company Kentucky American Water KAW Responses to LFUCG2
09/21/23	Kentucky-American Water Company Kentucky American Water KAW Responses to AG2
09/21/23	Kentucky-American Water Company Kentucky American Water KAW Responses to PSC3
09/07/23	M Todd Osterloh Lexington-Fayette Urban County Government Second Request for Information
09/07/23	Angela M. Goad Office of the Attorney General OAG Second Request for Information
09/07/23	COMMISSION STAFF'S THIRD REQUEST FOR INFORMATION TO KENTUCKY-AMERICAN WATER COMPANY
09/07/23	Order Entered: 1. A hearing in this matter shall be held on December 11, 2023, at 9 a.m. Eastern Standard Time and continuing until called from the bench by the presiding officer, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 2. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the 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. 3. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the December 11, 2023 hearing. 4. Kentucky-American Water Company (Kentucky-American) shall give notice of the hearing in compliance with 807 KAR 5:001, Section 9(2)(b). In addition, the notice of 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 the notice is mailed or publication is requested, Kentucky-American shall forward a duplicate of the notice and request to the Commission. 5. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video transcript shall be made of the hearing.
08/22/23	Monica Braun Kentucky-American Water Company Kennedy Verification
08/18/23	Mary Ellen Wimberly Kentucky American Water KAW Petition for Confidential Protection and Notice of Adoption of Witness Testimony
08/18/23	Kentucky-American Water Company Kentucky American Water KAW Responses to AG1
08/18/23	Kentucky-American Water Company Kentucky American Water KAW Responses to LFUCG1
08/18/23	Kentucky-American Water Company Kentucky American Water KAW Responses to PSC2
08/04/23	M Todd Osterloh Lexington-Fayette Urban County Government First Request for Information to KAWC
08/04/23	Angela M. Goad Office of the Attorney General OAG First Request for Information
08/04/23	COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO KENTUCKY-AMERICAN WATER COMPANY
08/02/23	Kentucky-American Water Company Kentucky American Water KAWs Proof of Publication of Customer Notice
07/25/23	Order Entered: 1. Kentucky-American's request that its application be deemed filed on June 30, 2023, is denied. 2. Kentucky-American's application is deemed filed on July 7, 2023.
07/21/23	Order Entered: 1. Kentucky-American's proposed rates are suspended for six months, up to and including February 5, 2024. 2. The procedural schedule set forth in the Appendix to this Order shall be followed. 3. Kentucky-American shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests. 4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085 <sup>2</sup> regarding filings with the Commission.
07/18/23	Kentucky-American Water Company Kentucky American Water KAW Responses to PSC1
07/14/23	Monica Braun Kentucky-American Water Company Motion for Ruling on Sufficiency of Application
07/12/23	M Todd Osterloh Lexington-Fayette Urban County Government Certification
07/12/23	Deficiency cured letter

DOC11R

**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of June 30, 2024*

07/12/23 Order Entered: 1. LFUCG's motion to intervene is granted. 2. LFUCG is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. LFUCG shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents. 4. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, LFUCG shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

07/07/23 Monica Braun Kentucky-American Water Company Response to July 7 Correspondence

07/07/23 Deficiency letter, information due 07/17/2023.

07/05/23 Order Entered: 1. The Attorney General's motion to intervene is granted. 2. The Attorney General is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order. 3. The Attorney General shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents. 4. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, the Attorney General shall file a written statement with the Commission that: a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

07/04/23 David White Public Comment

07/03/23 Angela M. Goad Office of the Attorney General OAG Motion to Intervene

06/30/23 M. Todd Osterloh Lexington-Fayette Urban County Government Motion to Intervene

06/30/23 Kentucky-American Water Company Kentucky American Water Application and Supporting Materials

06/27/23 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO KENTUCKY-AMERICAN WATER COMPANY

05/31/23 Acknowledge Receipt of Filing

05/31/23 Kentucky-American Water Company Notice of Intent to File an Application for an Adjustment of Rates Using Electronic Filing Procedures

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Total Number of Cases: 1