

**WRITTEN COMMENTS OF  
KENTUCKY RURAL WATER ASSOCIATION, INC.  
RE: PROPOSED REVISIONS TO 807 KAR 5:001, 5:011,  
5:068, 5:069, 5:075, and 5:076**

The Kentucky Rural Water Association, Inc. (KRWA) submits these comments concerning the proposed amendments to existing Commission Regulations: 807 KAR 5:001 (Rules of Procedure); 807 KAR 5:011 (Tariffs); 807 KAR 5:068 (Purchased Water Adjustment); 807 KAR 5:069 (Filing Requirements for Federally Funded Construction Projects); 807 KAR 5:075 (Treated Sewage Adjustment); and 807 KAR 5:076 (Alternative Rate Adjustment Procedure for Small Utilities). Some of these comments are general in nature and some are specific. The general comments are listed first. The specific comments are listed last.

**GENERAL COMMENTS**

Generally speaking, KRWA is satisfied with most of the proposed amendments to 807 KAR 5:001, 807 KAR 5:011, 807 KAR 5:068, 807 KAR 5:069, 807 KAR 5:075, and 807 KAR 5:076. The Commission has appropriately, except for a few instances, modified its Administrative Regulations to implement the provisions of House Bill 5 (Cyber Security), House Bill 192 (Revisions to

House Bill 1), Senate Bill 91 (Electronic Delivery of Commission Orders), and Senate Bill 123 (Repeal of KRS 278.185 - Notification to Customers of Proposed Rate Change by Sewer Utilities).

KRWA has discovered some unintended consequences with the proposed amendments to the Commission's Administrative Regulations. Also, some additional revisions may need to be made to the proposed amendments to facilitate modifying certain forms and filing requirements checklists. These will be discussed below.

## **SPECIFIC SUGGESTIONS**

### **A. 807 KAR 5:001 - Rules of Procedure**

- 1. Section 4(8)(b):** Because of the revisions to KRS 278.380 by Senate Bill 91, the Commission may now deliver its Orders electronically. Presumably, the proposed changes to subsection (b) of Section 4(8) are being made to comply with Senate Bill 91. Unfortunately, the proposed revisions inadvertently eliminate all the existing options for one party to serve documents upon another party or its attorney except via electronic means or by hand-delivery. KRWA objects to eliminating these options for serving documents upon other parties.
- 2. Rationale:** Senate Bill 91 does not pertain to service of documents by one party upon another party or its attorney. Senate Bill 91 simply authorizes the Commission to “**deliver**” its Orders electronically.
- 3. Proposed Fix:** Perhaps, the Commission should add a new subsection to Section 4, which outlines the procedures for **delivery** of Commission Orders and other documents (e.g., Data Requests, Notice of Informal Conference, Staff Reports, etc.) which the Commission places into a case record. Section 4(8) should deal solely with service by a party upon another party or its attorney. All the proposed changes to Section 4(8)

should be moved from Section 4(8) and incorporated into the new subsection concerning **delivery** of Commission Orders and other documents. By doing so, Section 4(8) would revert to its original form, which permits parties to serve other parties by several methods: (1) hand-delivery; (2) U.S. mail; (3) other recognized mail carriers; and (4) electronic means.

- 4. Added Feature:** By creating a new subsection for **delivery** of Commission Orders and other documents, the Commission will also be able to electronically deliver Data Requests, Notices of Informal Conferences, and other documents which it places into a case record. This will expedite matters because parties and their attorneys will instantly receive documents electronically rather than waiting for the U.S. mail or periodically checking the Commission's website.

#### **B. 807 KAR 5:011 – Tariffs**

- 1. General Comments:** KRWA concurs with the proposed language in this amended regulation.
- 2. Rationale:** The Commission has appropriately implemented the provisions of House Bill 192 and Senate Bill 123.

#### **C. 807 KAR 5:068 - Purchased Water Adjustment**

- 1. General Comments:** KRWA concurs with the proposed language in this amended regulation.
- 2. Rationale:** The Commission has appropriately implemented the provisions of House Bill 192.
- 3. PWA Form 1:** Section 1 of 5:068 makes Purchased Water Adjustment (“PWA”) Form 1 part of the Application. Also, Section 9 incorporates PWA Form 1 by reference. If PWA Form 1 is part of this regulation, then it also needs to be amended to delete the reference to the date which the water district plans to appear before the County Fiscal Court. If PWA Form 1 is **not** a part of this regulation, then the Commission should correct the Form posthaste.

**D. 807 KAR 5:069 - Filing Requirements for Federally Funded Construction Projects**

- 1. General Comments:** KRWA concurs with the proposed language in this amended regulation.
- 2. Rationale:** The Commission has appropriately implemented the provisions of House Bill 192 and Senate Bill 123.

**E. 807 KAR 5:075 - Treated Sewage Adjustment**

- 1. General Comments:** KRWA concurs with the proposed language in this amended regulation.
- 2. Rationale:** The Commission has appropriately implemented the provisions of House Bill 192 and Senate Bill 123.
- 3. TSA Form 1:** Section 1 of 5:075 makes Treated Sewage Adjustment (“TSA”) Form 1 part of the Application. Also, Section 9 of 5:075 incorporates TSA Form 1 (July 2013 version) by reference. If TSA Form 1 is part of this regulation, then it also needs to be amended to delete the reference to the date which the water district plans to appear before the County Fiscal Court. If TSA Form 1 is **not** a part of this regulation, then the Commission should correct the Form posthaste.

**F. 807 KAR 5:076 - Alternative Rate Adjustment Procedure for Small Utilities**

- 1. General Comments:** KRWA concurs with the proposed language in this amended regulation.
- 2. Rationale:** The Commission has appropriately implemented the provisions of House Bill 5, House Bill 192, and Senate Bill 123.
- 3. ARF Form 1:** Section 4 of 5:076 makes Alternative Rate Filing (“ARF”) Form 1 part of the Application. Also, Section 18 of 5:076 incorporates ARF Form 1 (November 2013 version) by reference. If ARF Form 1 is part of this regulation, then it also needs to be amended to delete the reference to the date which the water district plans to appear

before the County Fiscal Court. If ARF Form 1 is **not** a part of this regulation, then the Commission should correct the Form posthaste.

- 4. Section 18(a):** This subsection of 5:076 needs to be revised by deleting the reference to the “November 2013” version of ARF Form 1.

## **CONCLUSION**

KRWA appreciates the opportunity to participate in this process of revising existing Commission Regulations in order to implement certain provisions of House Bill 5 (Cyber Security), House Bill 192 (Revisions to House Bill 1), Senate Bill 91 (Electronic Delivery of Commission Orders), and Senate Bill 123 (Repeal of KRS 278.185 - Notification to Customers of Proposed Rate Change by Sewer Utilities). KRWA offers the foregoing comments to assist the Commission in its efforts to conform its Administrative Regulations to this newly enacted legislation.