

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BETHANY CHRISTIAN MISSION CENTER, INC.)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 98-282
)	
HOLLY CREEK PRODUCTION CORPORATION)	
)	
DEFENDANT)	

O R D E R

On July 28, 1999, the Commission found that Bethany Christian Mission Center, Inc. (Complainant) was overbilled \$23,674 from January 1994 through December 1997 by Holly Creek Production Corporation (Holly Creek). The Commission ordered Holly Creek to refund Complainant the overbilled amounts and to prepare and file, within 60 days from the date of the Order, a plan setting forth Holly Creek s proposal for making the refund of \$23,674 over a three-year period.

On August 10, 1999, Complainant filed a Motion to Reconsider upon the grounds that the Commission's Order did not bear judgment interest of 12 percent as set out in KRS 360.040. The provisions of KRS 360.040 do not apply to Orders of the Commission. KRS 278.390.

On August 17, 1999, Holly Creek filed a Motion to Reconsider the Commission's Order of July 28, 1999. Holly Creek presents three issues upon which it relies as grounds for a rehearing, all three rehashing the findings made by the Commission in its Order, and do not offer any new or undiscovered evidence that was not presented in the hearing of April 20, 1999. The Commission found that the overbillings occurred from January 1994 through December 1997, contrary to the calculation of Mr. Beh. The Commission determined that the use of the heating-degree-days' index is the proper method to calculate usage and did take into consideration the reduced usage of the Complainant. 807 KAR 5:006, Section 10(2), permits the Commission to use historical usage data of the customer. The Commission took into account the heating-degree days for the affected years. The use of heating-degree-days' index is designed to provide for a fairly constant rate of consumption regardless of any change in temperature.

The Commission, having considered the motions for rehearing filed by both parties, and being sufficiently advised, HEREBY ORDERS that the motions are denied.

Done at Frankfort, Kentucky, this 27th day of August, 1999.

By the Commission

ATTEST:

Executive Director