

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HIMA-SIBERT WATER DISTRICT S APPLICATION TO)	CASE NO.
ESTABLISH CERTAIN NONRECURRING CHARGES)	98-630

O R D E R

On January 7, 1999, the Commission issued its Order in which it found that certain nonrecurring charges proposed by Hima-Sibert Water District ("Hima-Sibert") were justified by the costs to provide the services at issue, and that those charges were fair, just and reasonable. The tariff implementing those charges became effective on January 15, 1999.

Subsequently, Hima-Sibert filed a letter explaining that it had inadvertently failed to provide advance public notice of the nonrecurring charges pursuant to 807 KAR 5:011. Hima-Sibert attached to its letter a copy of a public notice it had caused to be published on June 30, July 14, and July 21 of this year. The notice states the nonrecurring rates, informs the public that Hima-Sibert "inadvertently neglected" to public notice at the time of its application, and states that Hima-Sibert is requesting from the Commission approval of its deviation from the prior notice provision. The notice also provides the mailing address of the Commission and states that any person may, within thirty days after publication of the notice, contact the Commission regarding the request for deviation. To date, no member of the public has filed with the Commission any comment regarding either the rates or the request for deviation.

807 KAR 5:011, Section 14, permits this Commission to grant deviations from the regulation's requirements in "special cases" and for "good cause" shown. Hima-Sibert

has explained that its failure to publish prior notice of its rates was "strictly an oversight," and it has appropriately published notice of its error in the newspaper, giving this Commission's address and affording the public an opportunity to comment upon the matter. While failure to publish prior notice is not an error taken lightly by this Commission, Hima-Sibert has, in good faith, taken all reasonable steps available to it to remedy its error and to permit members of the public to contact the Commission in regard to the issue. No one has indicated any objection to the rates at issue. Accordingly, no useful purpose would be served by refusal to grant the deviation requested.

Good cause having been shown and the Commission having been sufficiently advised, IT IS HEREBY ORDERED that the motion of Hima-Sibert Water District to deviate from the advance publication requirement of 807 KAR 5:011 is granted.

Done at Frankfort, Kentucky, this 9th day of November, 1999.

By the Commission

ATTEST:

Executive Director