

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF FILING OF BRACKEN COUNTY )  
WATER DISTRICT TO ADD REFUSAL OF ) CASE NO. 2000-209  
NEW SERVICE SECTION )

O R D E R

On March 28, 2000, Bracken County Water District ("Bracken District") filed a tariff with the Commission wherein it proposed to add a Refusal of New Service section. The Commission, finding that further proceedings were necessary to determine the reasonableness of the proposed tariff, established this proceeding and suspended the tariff until the conclusion of the proceeding.

Bracken District proposes to refuse new service in an area where its "water pressure and/or flow is at or below the minimum required by the Kentucky Division of Water, Kentucky Public Service Commission or other State or local agency. . . ." The Commission finds that approval of this proposed tariff provision would in effect permit the utility to operate below the minimum flow required by law and relieve it of any responsibility to grow or improve its system. Should Bracken District find its flow to be below the minimum required by the Commission pursuant 807 KAR 5:066, it should plan to expand its water capacity rather than refuse service.

In addition, Commission Regulation 807 KAR 5:006, Section 14 clearly sets forth the conditions under which a utility may refuse or terminate service. Bracken District proposes to refuse service for reasons other than those set forth in the regulation. The

Commission has the authority to grant a deviation from the regulation upon a showing of good cause. However, Bracken District has neither requested nor shown good cause to obtain such a deviation.

IT IS THEREFORE ORDERED that the proposed tariff filing of Bracken County is rejected.

Done at Frankfort, Kentucky, this 30<sup>th</sup> day of November, 2000.

By the Commission

ATTEST:

  
Executive Director