

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF APPALACHIAN WASTE	)	
CONTROL FOR AN ADJUSTMENT IN RATES	)	
PURSUANT TO THE ALTERNATIVE RATE FILING	)	CASE NO. 2007-00093
PROCEDURE FOR SMALL UTILITIES AND	)	
REQUEST FOR INTERIM RELIEF	)	

ORDER

On April 27, 2007, the Commission authorized Appalachian Waste Control, Inc. ("Appalachian Waste Control") to assess a monthly rate of \$56.72 for sewer service provided at 5 small sewage treatment plants in Johnson County, Kentucky. We expressly directed that Appalachian Waste Control's collection of this charge be subject to refund and stated that a final determination of the appropriate rate would be made only after the utility had experienced several months of operation. We further directed Appalachian Waste Control to report on its financial operations after operating for 3 months under the interim rates.

On September 12, 2007, Appalachian Waste Control filed with the Commission a report on its financial operations for the period from May 1, 2007 to July 31, 2007. In its report, it reported average total monthly expenses for the 3-month period of \$11,290.66 and a total of 90 customers on its system. Based upon this period of operations and number of customers, Appalachian Waste Control suggested that a monthly rate of \$125.45 was appropriate, but did not take any action to amend its application.

On January 11, 2008, the Commission directed that any party that wished a hearing in this matter should submit a written request for such hearing within 7 days and

that, if we failed to receive a request for hearing within that period, this case would stand submitted for decision. As of the date of this Order, we have yet to receive a request for a hearing.

Having reviewed the evidence of record, the Commission finds that the proposed monthly rate of \$56.72 should be approved for service that Appalachian Waste Control rendered on and after April 30, 2007. We further find that, although the record contains evidence to suggest that a higher monthly rate may be appropriate, this evidence should not be afforded much weight since it is based upon a very limited period of historical operations. Moreover, as Appalachian Waste Control has not sought to amend its proposed rate despite evidence that a larger rate may be appropriate, we will assume the proposed rate is reasonable.<sup>1</sup>

IT IS THEREFORE ORDERED that:

1. A monthly rate of \$56.72 is approved for sewer service that Appalachian Waste Control has rendered on and after April 30, 2007.
2. Within 20 days of the date of this Order, Appalachian Waste Control shall file with the Commission revised tariff sheets that are signed by an authorized officer of the utility and that set forth the approved rate.

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<sup>1</sup> See Utilities Operating Co. v. King, 143 So.2d 854, 858 (Fla. 1962) (“if the rates requested by a utility are less than those which would provide a fair return the Commission must approve the rates unless it be shown that approval of such rates would cause the service rendered the public to suffer.”). There is no evidence to suggest that service will suffer if the proposed rate is approved.

Done at Frankfort, Kentucky, this 28<sup>th</sup> day of January, 2008.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director