

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF ELKHORN)	CASE NO.
WATER DISTRICT FOR A RATE ADJUSTMENT)	2024-00331
PURSUANT TO 807 KAR 5:076)	

ORDER

On April 10, 2025, the Commission entered an Order directing Elkhorn Water District (Elkhorn District) to renotify its customers in accordance with the Appendix to that Order.¹ The revised notice was required because Elkhorn District amended its application to accept the revenue requirement recommendations contained in the Commission Staff's Report, resulting in an increase in total revenue of more than 110 percent compared to the initially proposed increase.² Pursuant to 807 KAR 5:076, Section 11(3)(f),³ this revised request triggered additional notice requirements.

On April 28, 2025, Elkhorn District submitted a publisher's certificate of publication purporting to demonstrate compliance with the Commission's April 10, 2025 Order.⁴ Upon review, the Commission finds that the published notice is deficient. Specifically, the

¹ Order (Ky. PSC Apr. 10, 2025).

² Response to Commission Staff's Report (filed Mar. 26, 2025).

³ 807 KAR 5:076, Section 11(3)(f): If commission staff reports that the applicant's financial condition supports a higher rate than the applicant proposed or commission staff recommends the assessment of an additional rate or charge not proposed in the application and commission staff's proposed rates produce a total increase in revenues that exceeds 110 percent of the total increase in revenues that the applicant's proposed rates will produce and the applicant amends its application to request commission staff's proposed rates, the commission shall order the applicant to provide notice of the finding or recommendation to its customers.

⁴ Publisher's Certificate of Publication (filed Apr. 28, 2025).

notice fails to include the revised rates applicable to the 5/8 x 3/4-Inch and 1-inch meter size that was explicitly included in the Appendix to the Commission's April 10, 2025 Order. The omission of this information renders the notice incomplete and non-compliant with the Commission's April 10, 2025 Order.

The Commission finds that Elkhorn District should be required to show cause as to why it should not be subject to penalties pursuant to KRS 278.990 for its failure to comply with the April 10, 2025 Order.⁵

IT IS THEREFORE ORDERED that:

1. Elkhorn District shall file a written response within 30 days of the service date of this Order to show cause why it failed to comply with the Commission's April 10, 2025 Order by failing to publish the complete customer notice.

2. In the alternative, Elkhorn District may, within 30 days of the date of this Order, reissue a customer notice that complies with the Appendix to the April 10, 2025 Order and file proof of publication with the Commission.

3. If Elkhorn District elects to reissue the customer notice, the Commission shall reset the statutory deadline and suspension period based on the date the corrected notice is published.

4. Failure to comply with this Order may result in the imposition of penalties pursuant to KRS 278.990.

⁵ KRS 278.990 outlines the penalties for violating Kentucky's public utility statutes and regulations.

PUBLIC SERVICE COMMISSION



Chairman

Vice Chairman



Commissioner

ATTEST:

 
Executive Director



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