

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NORTHERN KENTUCKY)
WATER DISTRICT FOR APPROVAL OF THE)
CREATION OF A SUBDISTRICT, CON-) CASE NO. 2012-00583
STRUCTION OF FACILITIES TO SUPPORT THAT)
SUBDISTRICT, AND THE PLAN OF FINANCING)
THOSE FACILITIES)

ORDER

Northern Kentucky Water District ("Northern District") has advised the Commission in writing of its intent to apply for approval of the creation of a subdistrict within its territory, the construction of facilities to serve the new subdistrict, and the financing of those facilities and has requested permission to deviate from 807 KAR 5:001 to permit the use of electronic filing procedures and the service of all documents by electronic means only.

Finding that use of electronic procedures will assist in a thorough and efficient review of the application and should be instituted for this proceeding, but that procedures should also exist to accommodate full participation by any persons who are entitled to intervene but object to the use of electronic filing procedures, the Commission HEREBY ORDERS that:

1. Northern District's request for a deviation from 807 KAR 5:001 to permit the use of electronic filing procedures in this proceeding is granted upon the condition

that Northern District files with the Commission within 10 days of the date of this Order a written waiver of all rights to service of Commission orders by United States mail.¹

2. When a conflict exists between the procedures presently set forth in 807 KAR 5:001 and those established in this Order, the parties shall comply with this Order.

3. All pleadings, documents, and exhibits shall be filed with the Commission by uploading an electronic version of the document using the Commission's E-Filing System at <https://psc.ky.gov/Security/account/login.aspx>. The filing party shall also file one original and one paper copy with the Commission.

4. Each file in an electronic submission shall be:

a. In portable document format except as provided in paragraph 4(f) of this Order;

b. Search-capable;

c. Optimized for viewing on the Internet;

d. Bookmarked to distinguish sections of the pleading or document;

e. Scanned at a resolution of no less than 300 dots per inch if a scanned document;

f. If a spreadsheet, in Microsoft Excel format, self-contained, and without any linked references to or macro commands involving external files;

g. If an audio file, in MP3 format; and

h. If a video file, in MPEG-4 format.

¹ KRS 278.280 does not permit the Commission to deliver Orders by means of electronic transmission rather than by United States mail unless each party to the proceeding has filed a written statement with the Commission in which it waives any right to service of Commission Orders by mail and states that it or its authorized agent possesses the facilities to receive electronic transmissions. KRS 278.280 places delivery of electronic transmission on the same level as delivery by United States mail. It provides that "[w]hen service of a commission order is by electronic transmission, mailing shall be deemed to have occurred on the date the transmission of the order is completed."

5. All electronic submissions shall include an introductory file in portable document format that is named "Read1st" and that contains:

- a. A general description of the filing;
- b. A list of all materials not included in the electronic filing; and
- c. A statement attesting that the electronically filed documents are a true representation of the original documents.

6. The "Read1st" file and any other document that normally contains a signature shall contain a signature in the electronically submitted document.

7. The electronic version of the cover letter accompanying the paper filing may substitute for a general description.

8. If the electronic submission does not include all documents contained in the paper version (e.g., confidential materials, materials that are too large or bulky to transfer by electronic medium), the absence of these documents shall be noted in the "Read1st" document.

9. a. An electronic transmission or uploading session shall not exceed 20 files.

b. An individual file shall not exceed 50 megabytes.

c. If a filing party's submission exceeds the limitations established in paragraph 9(a) or 9(b), the filer shall make its electronic submission in two or more consecutive electronic transmission or uploading sessions.

10. When filing any document with the Commission, the filing party shall certify that:

a. The electronic version of the filing is a true and accurate copy of each document filed in paper medium;

b. The electronic version of the filing has been transmitted to the Commission; and

c. A copy of the filing in paper medium has been mailed to all parties that the commission has excused from participation by electronic means.

11. Upon completion of a party's uploading of an electronic submission, the Commission shall cause an electronic mail message to be sent to all parties of record advising of the electronic submission to the Commission.

12. Upon a party's receipt of this message, it shall be the receiving party's responsibility to access the Commission's electronic file depository at http://psc.ky.gov/efs/EFS_Search.aspx and view or download a copy of the submission.

13. A document shall be considered timely filed with the Commission if it has been successfully transmitted in electronic medium to the Commission within the time allowed for filing and one copy in paper medium is filed at the Commission's offices no later than the second business day following the electronic filing.

14. When submitting paper copies of electronically submitted documents, the filing party shall attach to the top of the paper submission a paper copy of the electronic mail message from the Commission confirming transmission and receipt of its electronic submission.

15. When submitting documents for which confidential treatment is sought, the filing party shall:

a. Submit an original in paper medium and an electronic copy of the petition requesting confidential treatment and setting forth the grounds pursuant to KRS 61.878 upon which the material should be classified as confidential and a copy of the material with those portions redacted for which confidentiality is sought.

b. Submit a paper copy of the material in question that identifies by underscoring, highlighting with transparent ink, or other reasonable means only those portions that would disclose confidential material unless deleted and a CD-ROM containing an electronic version of such material with highlighting.

16. Within ten days of the date of this Order, Northern District shall file a statement as to whether it or its agents are capable of receiving electronic transmissions.

17. Unless it states its objection to the use of electronic filing procedures in its motion for intervention, a party granted leave to intervene in this proceeding shall:

a. Be deemed to have consented to the use of electronic filing procedures and the service of all documents and pleadings, including orders of the Commission, by electronic means; and

b. Within seven days of the date of an Order granting its intervention, file with the Commission a written statement that:

(1) It waives any right to service of Commission orders by United States mail; and

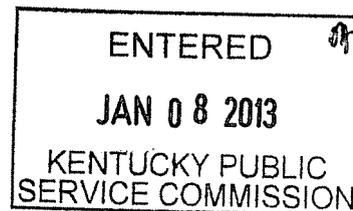
(2) It, or its authorized agent, possesses the facilities to receive electronic transmissions.

18. If a party objects to the use of electronic filing procedures and the Commission determines that good cause exists to excuse that party from the use of electronic filing procedures, service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001.

19. If, within 10 days of the date of this Order, Northern District fails to file with the Commission a written waiver of all rights to service of Commission orders by United States mail, ordering paragraphs 1 through 18 are vacated and Northern District's request for deviation is denied.

20. Upon the proposed revisions to 807 KAR 5:001 taking effect,² this Order shall be vacated and all parties to this proceeding shall comply with the electronic filing procedures set forth in the newly promulgated regulation

By the Commission



ATTEST:

Executive Director

² On June 13, 2012, the Commission filed with the Legislative Research Commission proposed revisions to 807 KAR 5:001. 39 Ky.R. 275 (July 2012). After consideration of submitted comments, the Commission filed an amended version of the proposed regulation on October 15, 2012. 39 Ky.R. 995 (Nov. 2012). On November 13, 2012, the General Assembly's Administrative Regulation Review Subcommittee approved the amended version with some additional amendments. 39 Ky.R. 1117 (Dec. 2012). See also Minutes of the November 13, 2012 Meeting of Administrative Regulation Review Subcommittee, http://www.lrc.ky.gov/minutes%5Cadm_regs/121113OK.HTM (last visited Jan. 4, 2013).

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