

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADJUSTMENT OF RATES OF KENTUCKY-) CASE NO. 2007-00143
AMERICAN WATER COMPANY)

O R D E R

Kentucky-American Water Company (“Kentucky-American”) has requested a deviation from Administrative Regulation 807 KAR 5:001 to permit the use of electronic filing procedures and to permit the service of all documents upon parties by electronic means only. The Attorney General (“AG”) does not oppose the request in toto but argues that service of paper copies of the application and responses to discovery requests should be required.

Having reviewed this request, the Commission finds that:

1. Use of electronic submission of documents and pleadings will permit a more efficient review of Kentucky-American’s application and should reduce the costs associated with such review for all parties.
2. Good cause exists to permit a deviation from the requirements of Administrative Regulation 807 KAR 5:001 to allow the submission of documents by electronic means.
3. Procedures should be established for this proceeding to accommodate full participation by any intervening party who objects to the use of document submission and service by electronic means.

IT IS THEREFORE ORDERED that:

1. Kentucky-American's request for a deviation from Administrative Regulation 807 KAR 5:001 is granted in part and denied in part. Where a conflict exists between the procedures set forth in Administrative Regulation 807 KAR 5:001 and those established in this Order, the parties shall comply with the latter.

2. A party filing a document or pleading with the Commission shall file an original and one paper copy of the document or pleading and shall serve a copy of that document or pleading upon all parties in paper medium. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02. When filing a document or pleading with the Commission, a party shall also submit an electronic copy.

3. Any party submitting written testimony in this proceeding shall file with such testimony a notice of filing that lists each witness presenting testimony.

4. All parties shall submit the electronic copy of any pleading or document to the Commission by uploading the document(s) using the Commission's Web Application Portal at https://psc.ky.gov/psc_portal/. All parties shall fully comply with the instructions for electronic transmission and uploading set forth at http://psc.ky.gov/agencies/psc/casefile/filing_instructions_web.pdf.

5. All parties shall make electronic submissions in the following manner:

a. All pleadings, documents and exhibits shall be submitted in portable document format ("PDF") and be capable of viewing with Adobe® Acrobat® Reader.™

b. All electronic submissions in PDF format shall be search capable and shall be optimized for viewing over the Internet.

c. Any submitted documents that are scanned shall be scanned at a resolution no less than 200 dots per inch (“dpi”) nor greater than 300 dpi.

d. The electronic version of each document shall, where appropriate, be bookmarked to distinguish sections of the document.

e. All requested spreadsheets in electronic submissions shall be in Microsoft® Excel 97 - 2003 format, shall be self-contained, and shall not contain any linked references to or macro commands involving external files.

f. All electronic submissions shall include an introductory file in PDF format that is named “Read1st” and that contains a general description of the filing, a list of all materials not included in the electronic filing and a statement attesting that the electronically filed documents are a true representation of the original documents. The “Read1st” file and any other document that normally contains a signature shall include a signature in electronic format. The electronic version of the cover letter accompanying the paper filing may be substituted for a general description.

g. All files shall be named in accordance with the naming conventions found at http://psc.ky.gov/agencies/psc/casefile/filing_instructions_web.pdf.

h. 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), then the absence of these documents shall be noted in the “Read1st” document.

i. No electronic transmission or uploading session shall exceed 20 files or a total size of 100 megabytes. No individual file shall exceed 5 megabytes. If a party's submission will exceed these limitations, the party shall make its electronic submission in two or more consecutive electronic transmission or uploading sessions.

j. A party shall, upon completing its electronic submission of documents to the Commission, notify all other parties by electronic mail message. This message shall be transmitted to all parties' designated e-mail addresses, and shall state the nature of the filing, case number, date and time of file(s) transmission, name of the party responsible for the filing, and the name and e-mail address of the person making the electronic filing.

k. When submitting documents for which confidential treatment is sought, a party shall:

(1) Submit an original and paper copy and an electronic copy of a petition requesting confidential treatment and setting forth the grounds pursuant to KRS 61.870 upon which the material should be classified as confidential and a copy of the material with those portions for which confidentiality is sought redacted.

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

6. When filing any document with the Commission, any party participating in this case through electronic means shall certify that:

a. The electronic version of the filing is a true and accurate copy of the document(s) filed in paper medium.

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

c. The party has, by electronic mail, notified the Commission and the other parties participating in this case by electronic means that the electronic version of the filing has been transmitted to the Commission.

d. The party has served, in paper medium, a copy of its filing upon all parties of record.

7. The Commission's Executive Director shall make all electronic filings available at http://psc.ky.gov/efs/EFS_Search.aspx for public viewing and downloading.

8. a. Within 5 days of the date of this Order, Kentucky-American shall notify the Commission in writing of the e-mail address to which all electronic notices and messages related to this proceeding should be served.

b. Each party granted leave to intervene in this proceeding shall, within 5 days of entry of the Order granting intervention, notify the Commission and all other parties of record in writing of the e-mail address to which all electronic notices and messages related to this proceeding should be served or, in the alternative, shall notify the Commission and all parties in writing, of the reasons why it should not be required to participate in this case through electronic means and of the mailing address to which paper copies of pleadings and documents should be sent.

c. If a party objects to participation in this case through electronic means and the Commission determines that good cause exists to excuse that party

from participating in this case through electronic means, that party shall not generally be required to file with the Commission or serve on any party any documents or pleadings in electronic form.

9. Except as provided in paragraph 5(k) of this Order, when a party files a document or pleading with the Commission for which it has not filed an electronic copy, it shall file with the Commission the original document or pleading and 10 copies.

The instructions set forth at http://psc.ky.gov/agencies/psc/casefile/filing_instructions_web.pdf are incorporated by reference into this Order. To the extent that any portion of these instructions conflict with the provisions of this Order, the provisions of this Order shall control.

10. Any party serving a request for information upon another party to this proceeding shall at the time of service of that request also serve upon that party by electronic mail an electronic copy of its request. The electronic copy shall be in Microsoft® Word 97 – 2003 format.

11. 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. The original document, in paper medium, shall be filed at the Commission's offices on the next business day following the electronic filing. Parties shall attach to the top of such submission a paper copy of the electronic mail message from the Commission confirming transmission and receipt of its electronic submission.

12. Each party granted leave to intervene in this proceeding shall file a statement as to whether it, or its agent, is capable of receiving electronic transmissions,

and whether it waives any right to service of Commission Orders by United States mail within 5 days of entry of the Order granting it intervention.

Done at Frankfort, Kentucky, this 2nd day of May, 2007.

By the Commission

ATTEST:



Executive Director