

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY-AMERICAN WATER COMPANY'S)
REQUEST FOR PERMISSION TO DEVIATE) CASE NO. 2009-00253
FROM 807 KAR 5:066, SECTION 16(1))

O R D E R

On December 31, 2008, Kentucky-American Water Company ("Kentucky-American") filed an application for a deviation from the requirements of 807 KAR 5:066, Section 16(1), regarding the frequency of testing 5/8-inch meters. On March 9, 2009, it amended this application. Due in part to Kentucky-American's use of the case style and docket number of an earlier Commission proceeding,¹ the Commission filed the application and its amendment in the record of that earlier proceeding.

Having discovered our error, the Commission finds that a new docket should be established to consider Kentucky-American's application. We further find that, as Kentucky-American has waived its right to delivery through the United States mail of Commission Orders and other documents, a deviation from the procedures set forth in 807 KAR 5:001 should be authorized to permit the use of electronic filing procedures and to permit the service of all documents upon parties by electronic means only.

¹ Case No. 2007-00198, *Kentucky-American Water Company's Request For Permission To Deviate From the Requirements of 807 KAR 5:066, Section 16(1)* (Ky. PSC filed May 4, 2007).

IT IS THEREFORE ORDERED that:

1. This docket is established to consider Kentucky-American's application for a deviation from 807 KAR 5:066, Section 16(1), to permit its 5/8-inch meters to remain in service for up to 15 years without testing.

2. The records of Cases No. 1996-00569² and No. 2007-00198 are incorporated by reference into the record of this proceeding.

3. A deviation from the service provisions of 807 KAR 5:001 is authorized for this proceeding only. When a conflict exists between the procedures set forth in 807 KAR 5:001 and those established in this Order, the parties shall comply with the latter.

4. Unless the Commission requires otherwise, all parties to this proceeding shall, when submitting any pleading or other document in this proceeding, file with the Commission an original in paper medium and one copy in electronic medium.

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

6. 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.

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

² Case No. 1996-00569, *Kentucky-American Water Company's Request For Permission To Deviate From the Requirements of 807 KAR 5:066, Section 16(1)* (Ky. PSC filed Nov. 26, 1996).

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 of 300 dpi (dots per inch) or greater.

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 1997-2003 format, shall be self-contained, and shall not contain any linked references to or macro commands involving external files.

f. All filings shall include a cover letter containing 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 cover letter shall be signed. An electronic version of the cover letter will be included in the electronic filing and uploading.

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 cover letter with the filing.

i. No electronic transmission or uploading session shall exceed 20 files or a total size of 100 megabytes. No individual file shall exceed 50 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. Upon completion of a party's electronic submission of documents to the Commission, Commission Staff shall notify all parties by electronic mail message to the parties' designated e-mail address.

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 redacted copy of the material with those portions for which confidentiality is sought.

(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.

8. 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 sent, in paper medium, a copy of its filing to all parties whom the Commission has excused from participation by electronic means.

9. 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.

10. Upon a party's receipt of an electronic mail message from the Commission indicating that an electronic submission has been made to the Commission, 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 download a copy of the submission.

11. a. Each party granted leave to intervene in this proceeding after the date of this Order shall, within five 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.

b. Each party granted leave to intervene in this proceeding within five days of entry of the Order granting it intervention shall file a statement as to whether it, or its agent, is capable of receiving electronic transmissions and whether it waives its right to service of Commission Orders by United States mail.

12. 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, then service of documents on that party and by that party shall be made in accordance with 807 KAR 5:001.

13. 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.

14. 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 conflicts with the provisions of this Order, the provisions of this Order shall control.

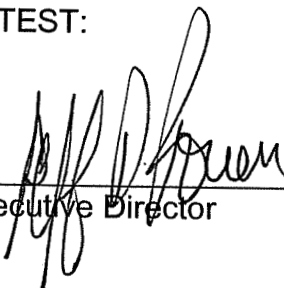
15. Any party serving a request for information upon another party to this proceeding shall, at the time of service of that request, also serve upon that party by electronic mail an electronic copy of its request. The electronic copy shall be in Microsoft Word 1997-2003 format.

16. 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.

By the Commission

ENTERED
JUL - 7 2009 *al*
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2009-00253