

**COMMONWEALTH OF KENTUCKY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**THE APPLICATION OF CRITTENDEN- )  
LIVINGSTON COUNTY WATER )  
DISTRICT FOR AUTHORIZATION TO )  
ENTER AN ASSISTANCE AGREEMENT )  
WITH THE KENTUCKY ) CASE NO. 2016-00292  
INFRASTRUCTURE AUTHORITY AND )  
FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO )  
CONSTRUCT A WATER STORAGE )  
FACILITY )**

**MOTION OF CRITTENDEN-LIVINGSTON COUNTY WATER  
DISTRICT TO AMEND PROCEDURAL ORDER**

Crittenden-Livingston County Water District (“Crittenden-Livingston District”) moves the Public Service Commission (“Commission”) to amend the Commission’s Order of August 9, 2016 to permit Crittenden-Livingston District to file in paper medium only one copy of the plans, specifications, and drawings for its proposed water storage facility.

In support of its Motion, Crittenden-Livingston District states:

1. Crittenden-Livingston District, a water district organized pursuant to KRS Chapter 74, owns and operates facilities to produce, distribute, and sell water to the public in the Kentucky counties of Crittenden and Livingston.

2. Crittenden-Livingston District intends at the earliest possible date, but no later than August 31, 2016, to file with the Commission an application for a certificate of public convenience and necessity to construct a 400,000 gallon elevated water storage facility and for authorization to execute an Assistance Agreement with the Kentucky Infrastructure Authority to borrow \$1,039,500 to finance the proposed facility's construction.

3. On August 9, 2016, Crittenden-Livingston District provided written notice to the Commission of its intent to apply for a certificate of public convenience and necessity and for authorization to issue an evidence of indebtedness and submitted its Notice of Election of Use of Electronic Filing Procedures.

4. Pursuant to 807 KAR 5:001, Section 8, an applicant may elect the use of electronic filing procedures. When such election is made in a Commission proceeding, parties in that proceeding must file any papers<sup>1</sup> with the Commission by submitting an electronic copy of the paper using the Commission's E-Filing System and delivering one copy in paper medium to the Commission's offices. 807 KAR 5:001, Sections 8(3) and 8(12).

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<sup>1</sup> 807 KAR 5:001, Section 1(10) defines a "paper" as "regardless of the medium on which it is recorded, an application, petition, or other initiating document, motion, complaint, answer, response, reply, notice, request for information, or other document that this administrative regulation or the commission directs or permits a party to file in a case."

5. Following receipt of Crittenden-Livingston District's Notice of Election of Use of Electronic Filing Procedures, the Commission established this proceeding and ordered that any party filing a paper in this proceeding submit an electronic copy of the paper using the Commission's E-Filing System and deliver to the Commission the original paper and **six** additional copies in paper medium.

6. Pursuant to 807 KAR 5:001, Section 15, an applicant for a certificate of public convenience and necessity must submit the plans, specifications and drawings of the proposed facilities as part of its application.

7. As a result of Commission's Order of August 9, 2016, Crittenden-Livingston must submit **seven** paper copies of the plans, specifications, and drawings of its proposed water storage facility. Since the plans and drawings are printed on several oversized sheets of paper requiring the use of special printing equipment that Crittenden-Livingston District does not own and that the specifications for the proposed water storage facility are several hundred pages in length, Crittenden-Livingston District will incur significant costs to comply with the Order of August 9, 2016. As a small non-profit water district, Crittenden-Livingston District is not as well positioned as other utilities to absorb such costs and had elected the use of electronic filing procedures to reduce the costs of its application.

8. The Order of August 9, 2016 inadvertently penalizes Crittenden-Livingston District for using electronic filing procedures. Under non-electronic filing procedures, Crittenden-Livingston District is required to furnish the Commission only one copy in portable document format on electronic storage medium and **two copies** in paper medium of any “[p]lans, specifications, and drawings of the proposed plant, equipment, and facilities.” 807 KAR 5:001, Section 15(2)(d). Under the Order of August 9, 2016, it must furnish an electronic copy and **seven paper copies** – five copies **more** than required in non-electronic proceedings. This result is inconsistent with the Commission’s longstanding efforts to encourage “the use of electronic filing procedures . . . to reduce expense and inconvenience for all parties.” *Water Service Corporation of Kentucky*, Case No. 2010-00476 (Ky. PSC Mar. 4, 2011) at 1.

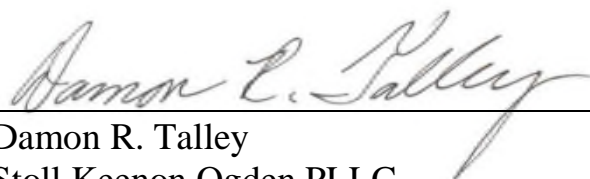
9. The Commission has on several occasions permitted utilities in non-electronic proceedings to submit fewer copies of a paper in paper medium. *See, e.g., Hardin County Water District No. 1*, Case No. 2016-00075 (Ky. PSC Feb. 26, 2016) (reducing the filing requirement for papers in a non-electronic proceeding from ten copies to three copies); *Kentucky Utilities Co.*, Case No. 2013-00368 (Ky. PSC Dec. 16, 2013) (permitting submission of one copy of system map in lieu of ten copies).

10. By this motion, Crittenden-Livingston District does not request that the Order of August 9, 2016 be revoked or vacated in its entirety. It merely requests that, in lieu of submitting seven copies in paper medium of the “plans and specifications and drawings” of the proposed water storage facility, it be permitted to submit only one copy of such documents in paper as 807 KAR 5:001, Sections 8(3) and 8(12) permit. As to all other papers, Crittenden-Livingston District plans to file an original and six copies in paper medium with the Commission after their submission in electronic medium through the Commission’s E-Filing System.

**WHEREFORE**, Crittenden-Livingston County Water District requests that the Commission amend its Order of August 9, 2016 to permit Crittenden-Livingston District to file with its Application only one copy of the plans, specifications, and drawings for its proposed water storage facility in paper medium

Dated: August 10, 2016

Respectfully submitted,



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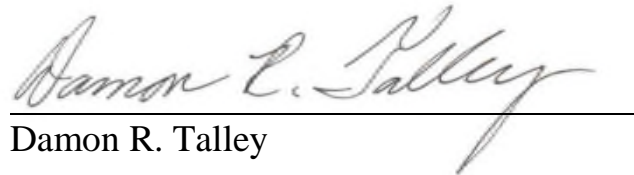
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**Counsel for Crittenden-Livingston  
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**CERTIFICATE OF SERVICE**

In accordance with 807 KAR 5:001, Section 8, I certify that Crittenden-Livingston County Water District's electronic filing of this Motion is a true and accurate copy of the same document being filed in paper medium; that the electronic filing was transmitted to the Commission on August 10, 2016; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original paper medium and six copies of the Motion will be delivered to the Commission on or before August 12, 2016.

  
Damon R. Talley