

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

Electronic Application of Water Service	)	
Corporation of Kentucky for a General	)	Case No. 2018-00208
Adjustment in Existing Rates	)	

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**MOTION FOR DEVIATION FROM 807 KAR 5:011, SECTION 17(1)(b)**

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Water Service Corporation of Kentucky (“WCK”), by counsel and pursuant to 807 KAR 5:001, Section 22, respectfully requests the Public Service Commission for a deviation from the regulatory requirement set forth in Section 17(1)(b) of that regulation. In support of its motion, WCK states as follows:

Section 22 of 807 KAR 5:001 permits the Commission to allow deviations from the requirements in that regulation when good cause is shown. Section 17 of that regulation requires notice to be provided to the public. Subsection (2) of Section 17 provides requirements for customer notification, with which WCK complied by publishing notice of the rate increase in newspapers of general circulation for three weeks.<sup>1</sup> Subsection (1) of Section 17 provides certain requirements for public posting, including a requirement that the public notices and a hyperlink to the Commission’s online case file be posted on the utility’s website, if one is maintained. The regulation requires that this online posting be made within 5 days from the date the application is filed.

WCK seeks a deviation from the requirement set forth in Section 17(1)(b) requiring the

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<sup>1</sup> See Notice of Filing (filed July 26, 2018).

online posting of the public notice and hyperlink to the Commission's online case file be made within 5 days from the date the application is filed. The failure to post the required information was a mere oversight. Upon receiving the Commission Staff's Second Request for Information on August 13, 2018, WSCK discovered the oversight and was able to have the information posted on its website on the morning of August 14, 2018.

WSCK does not take this inadvertent error lightly, as evidenced by its prompt posting of the required information after it discovered the omission. In addition, WSCK provided information regarding the rate case at public meetings held in Middlesboro on June 4, 2018, and Clinton on July 16, 2018.<sup>2</sup> These meetings, as well as the newspaper notices, have spurred conversation and interest in the local communities about the rate case, as evidenced by approximately 119 public comments being filed in the case so far. These consumers' interests can be adequately represented by the Attorney General, who has intervened in the matter.

The Commission granted a similar deviation request when Hima-Sibert Water District failed to publish any customer notice of its proposed increase in non-recurring charges. See Hima-Sibert Water District, Case No. 98-630 (Ky. PSC Nov. 9, 1999). After the Commission approved the increase in rates, Hima-Sibert advised the Commission that it inadvertently failed to provide advanced public notice of the proposed rates. Id. at 1. The water district then published notice approximately six months after the rates were approved. Id. The Commission found that the utility took all reasonable steps, in good faith, to remedy the error. Id. at 2. It determined that "no useful purpose would be served by refusal to grant the deviation." Id.

Likewise, no useful purpose would be served by refusal to grant the deviation in this case. WSCK has taken reasonable steps in good faith to remedy the error by posting the information on its website immediately after discovering the oversight. Consumers were already

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<sup>2</sup> These meetings were held as a part of the requirements of the transfer-of-control Case No. 2012-00133.

informed through public meetings and newspaper-published notices. And the Attorney General has intervened in this matter to represent consumers' interests.

Accordingly, WSCK respectfully requests an order from the Commission granting a deviation from the regulatory requirement set forth in Section 17(1)(b) of 807 KAR 5:001.

Respectfully submitted,



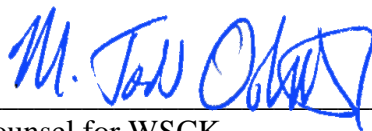
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ATTORNEYS FOR WATER SERVICE CORPORATION  
OF KENTUCKY

### **CERTIFICATE OF COMPLIANCE**

In accordance with 807 KAR 5:001, Section 8(7), this is to certify that WSCK's August 20, 2018, electronic filing is a true and accurate copy of the documents being filed in paper medium; that the electronic filing has been transmitted to the Commission on August 20, 2018; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original and a copy of the filing are being delivered to the Commission within two (2) business days.



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Counsel for WSCK