

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF)	
KENTUCKY-AMERICAN WATER)	CASE NO. 2018-00358
COMPANY FOR AN ADJUSTMENT)	
OF RATES)	

ATTORNEY GENERAL’S MOTION FOR REHEARING

Comes now, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), and pursuant to KRS 278.400, moves the Kentucky Public Service Commission (“Commission”) for a partial rehearing of its January 4, 2019 order amending the procedural schedule in this matter.

KRS 278.400 provides a statutory right to rehearing for any party to a proceeding. The Commission’s January 4, 2019 order granted the Attorney General’s request in his January 3, 2019 motion to amend the procedural as to the portion which requested moving the intervenor testimony deadline to March 15, 2019.¹ The Commission’s order nevertheless denied the portion of the Attorney General’s motion requesting to amend the respective deadlines for initial discovery and initial discovery responses. In support of its finding, the Commission stated,

[u]nder the proposed amendment, the parties would not have sufficient time to review Kentucky-American’s responses, and prepare and submit supplemental requests for information to Kentucky-American by the February 15, 2019 deadline for supplemental requests. This is especially so given current work load and competing deadlines and hearings in other rate cases.²

¹ Commission Order, *Electronic Application of Kentucky-American Water Company For An Adjustment of Rates*, Case No. 2018-00358, at 3 (Ky. Commission Jan. 4, 2019).

² *Id.* at 2.

Further, following the Attorney General's filing of his motion to amend the procedural schedule, the Commission entered an order on January 3, 2019 setting a hearing for purposes of receiving evidence related to pending motions to intervene on January 9, 2019, one day before the initial discovery deadline in this matter.³

Based upon the Commission's stated concern regarding the amount of time between initial discovery responses and supplemental discovery requests being due in this matter, the Attorney General renews his motion to amend the procedural schedule with appropriate modifications. The Attorney General believes reconsideration of his motion is thus further warranted by the Commission's order entered on January 3, 2019 and discussed *supra*. For the Commission's consideration the Attorney General proposes the following amendments to the procedural schedule as currently amended:

1. The initial requests for information to Kentucky-American Water shall be filed no later than **1/15/19**.
2. Kentucky-American Water shall file responses to initial requests for information no later than **1/30/19**.

The newly proposed amendments provide the Attorney General the relief initially sought, yet retain the status quo for KAW by providing no less and no more time than currently reflected in the procedural schedule, as parties still have sixteen (16) days to review discovery responses and draft supplemental requests for information to be due February 15, 2019. Furthermore, the amendments proposed above reflect the Commission's January 9th hearing. Moving the initial discovery date from January 10th will help to ensure that parties who are not granted intervention do not expend funds on unnecessary legal representation or witness expense, which is likely

³ Commission Order, at 3 (Ky. Commission Jan. 3, 2019).

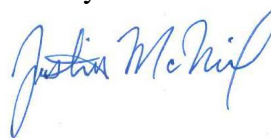
important to those movants as they are governmental bodies or non-profit, 501(c)(3) organizations. If the Commission prefers alternative dates which it believes balance the interests of parties and Commission staff, while providing the Attorney General additional time prior to the filing of his initial request for information, the Attorney General would graciously accept such modification.

Again, the Attorney General's current motion is made with an understanding of the Commission's stance on motions for continuance and the value of the Commission's time. In his representation of consumers before this body, the Attorney General strives to be respectful of the evidence he provides for Commission consideration and cognizant of Commission resources. The Attorney General does not make this motion for purposes of delay, but rather in an effort to provide the Commission with a more complete, thorough record for its final consideration.

WHEREFORE, the Attorney General respectfully moves the Commission to reconsider the portion of his original motion to amend the procedural schedule, which it denied in its January 4, 2019 order, and grant his request as modified herein.

Respectfully submitted,

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