

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 TO AMEND THE PROCEDURAL SCHEDULE

Comes now, the Attorney General of the Commonwealth of Kentucky, by and through his Office of Rate Intervention (“Attorney General”), and hereby submits this motion to amend the procedural schedule in this matter.

On December 5, 2018, the Public Service Commission (“Commission”) issued the initial procedural schedule, then later amended the schedule by way of a *nunc pro tunc* order dated December 10, 2018 to correct a typographical error in the initial intervention deadline, moving it from December 29 to December 28. The Attorney General filed his Motion to Intervene on December 28, 2018, but has not yet been granted intervention.

Due to the current state of unprecedented rate case activity and filings, particularly from investor owned utilities, the currently articulated procedural schedule deadlines present unduly burdensome requirements for the Attorney General and his retained expert witness to meet. In particular, the Attorney General is expected to file his first round of requests for information twelve (12) days after the deadline for intervention in this case, while he and his same expert witness are simultaneously engaged in other investor owned utility rate cases before the Commission with multiple overlapping deadlines and separate

testimony due six (6) days after the first round deadline in the instant case. Additionally, the intervenor testimony in the current schedule is due seven (7) days after Kentucky-American Water Company (“KAW”) is slated to provide its responses to the supplemental requests for information. The primary effect of the proposed changes herein is to provide an additional week for the Attorney General, Commission Staff, and any other possible intervenor to file initial requests for information.

The Attorney General is cognizant of the Commission’s stance on motions for continuance, and appreciates the importance of the Commission’s time. He would note that he rarely asks for continuances or modifications of procedural schedules, but finds that this situation requires such an extraordinary request. 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. The Attorney General, in his representation of consumers before the Commission, always strives to provide beneficial evidence for the Commission to consider. Without the granting of this motion, the Attorney General and his expert witness will not have adequate time to diligently review the application and conduct initial discovery upon the current record. The short turnaround between KAW’s responses to the supplemental data requests and the intervenor testimony deadline would further exacerbate this burden due to the Attorney General’s and his expert witness’ reliance upon those responses in formulating testimony.

Furthermore, the proposed changes to the procedural schedule will equally rebalance the deadlines for the Attorney General, Commission Staff, KAW, and any other potential parties pending intervention, to allow for periods between each deadline closer to two weeks, instead of certain instances of three weeks or one week in the initial schedule.

Accordingly, the Attorney General proposes the following amendments to the procedural schedule:

1. The initial requests for information to Kentucky-American Water shall be filed no later than **1/18/19**.
2. Kentucky-American Water shall file responses to initial requests for information no later than **2/4/19**.
3. Intervenor testimony, if any, in verified prepared form, shall be filed no later than **3/15/19**.

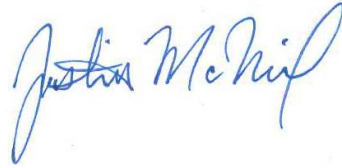
The remainder of the procedural schedule would remain intact, and would have no impact on any potential hearing date nor the time necessary for the Commission to draft a final order prior to the current effective date for rates. These proposed changes also benefit KAW by providing the utility some additional time to respond to initial requests for information, which is often more onerous than the supplemental round when multiple intervenors are involved. If at all possible, the Attorney General requests an expedited ruling on his motion, preferably by January 7, 2019.

Finally, the Attorney General has spoken with counsel for KAW, and KAW agrees with the proposed amendments to the procedural schedule.

WHEREFORE, the Attorney General respectfully requests that the Commission grant his request to amend the procedural schedule as proposed.

Respectfully submitted,

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Attorney General



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