

**COMMONWEALTH OF KENTUCKY**  
**BEFORE THE PUBLIC SERVICE COMMISSION**

**In the Matter of:**

**ELECTRONIC APPLICATION OF DEXTER- )  
ALMO HEIGHTS WATER DISTRICT FOR AN ) CASE NO. 2019-00354  
ADJUSTMENT OF RATES PURSUANT TO 807 )  
KAR 5:076 )**

**MOTION TO AMEND ORDER OF MAY 21, 2020**

Pursuant to KRS 278.400, Dexter-Almo Heights Water District (“Dexter-Almo District”) moves the Public Service Commission to amend its Order of May 21, 2020, *nunc pro tunc*, to reflect that the rates approved in that Order are effective for service rendered on and after May 1, 2020. In support of its Motion, Dexter-Almo District states:

1. On October 14, 2019, Dexter-Almo District applied to the Public Service Commission for an adjustment of rates pursuant to KRS 278.180 and 807 KAR 5:076.

2. 807 KAR 5:076, Section 7(1) provides: “An applicant shall not place the proposed rates into effect until the [Public Service C]ommission has issued an order approving those rates or six (6) months from the date of filing of its application, whichever occurs first.”

3. 807 KAR 5:076, Section 7(2) provides: “If the [Public Service C]ommission has not issued its order within six (6) months from the date of filing of the application, the applicant may place its proposed rates in effect subject to refund upon providing the [Public Service C]ommission with written notice of its intent to place the rates into effect.”

4. KRS 278.190(3) further permits a utility to place its proposed rates into effect subject to refund if the Public Service Commission has not issued a decision on the proposed rates within such time period. It provides:

If the proceeding has not been concluded and an order made at the expiration of five (5) months, or six (6) months, as appropriate, the

utility may place the proposed change of rate, charge, classification, or service in effect at the end of that period after notifying the commission, in writing, of its intention so to do. Where increased rates or charges are thus made effective, the commission may, by order, require the interested utility or utilities to maintain their records in a manner as will enable them, or the commission, or any of its customers, to determine the amounts to be refunded and to whom due in the event a refund is ordered, and upon completion of the hearing and decision may, by further order, require such utility or utilities to refund to the persons in whose behalf the amounts were paid that portion of the increased rates or charges as by its decision shall be found unreasonable.

4. As of May 1, 2020, more than six months following the filing of Dexter-Almo District's application, the Public Service Commission had not entered an order on Dexter-Almo District's proposed rates.

5. On May 1, 2020, Dexter-Almo District filed written notice with the Public Service Commission of its intent to place its proposed rates into effect for service rendered on and after that day subject to refund.

6. On May 21, 2020, the Public Service Commission approved Dexter-Almo District's proposed rates for "services rendered by Dexter-Almo Heights District on and after the date of this Order."<sup>1</sup>

7. Since the Public Service Commission found in Order of May 21, 2020 that the proposed rates were reasonable and did not direct any refund of the rates placed into effect on May 1, 2020, the Order of May 21, 2020 should reflect that the proposed rates were effective for service rendered on and after May 1, 2020.

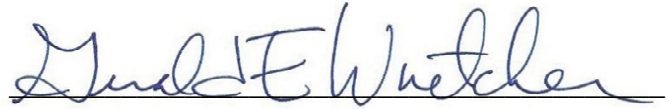
WHEREFORE, Dexter-Almo Heights Water District requests that the Public Service Commission amend its Order of May 21, 2020, *nunc pro tunc*, to reflect that the rates approved in the Order of May 21, 2020 are effective for service rendered and after May 1, 2020.

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<sup>1</sup> In its Order of May 21, 2020, the Commission failed to note Dexter-Almo District's notice or that the proposed rates had been placed into effect subject to refund on May 1, 2020.

Dated: May 27, 2020

Respectfully submitted,

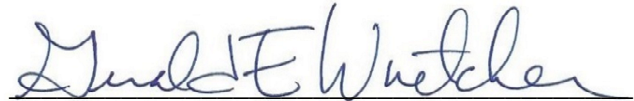


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*Counsel for Dexter-Almo Heights Water District*

### **CERTIFICATE OF SERVICE**

In accordance with 807 KAR 5:001, Section 8, I certify that Dexter-Almo Heights 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 Public Service Commission on May 27, 2020; that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding; and that that within 30 days following the termination of the state of emergency declared in Executive Order 2020-215, this Notice of Intent in paper medium will be delivered to the Public Service Commission.



Counsel for Dexter-Almo Heights Water District