

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

ELECTRONIC TARIFF FILING OF CITY)
OF AUGUSTA REVISING ITS) Case No. 2020-00277
WHOLESALE WATER SERVICE RATES)

**CITY OF AUGUSTA’S MOTION TO STRIKE COUNTY WATER DISTRICT’S
FIRST REQUEST FOR INFORMATION TO CITY OF AUGUSTA**

The City of Augusta, by counsel, respectfully moves the Public Service Commission for an order striking the Bracken County Water District’s First Request for Information to City of Augusta, or alternatively, an order identifying which questions Augusta must respond to. In support of this motion, Augusta states as follows:

On February 1, 2021, the Commission issued an order granting intervention to Bracken District and revising its procedural schedule. In that order, the Commission noted that Augusta’s proposed annual increase to Bracken District amounted to approximately \$24,304.20. In light of that, the Commission emphasized the following:

The Commission would encourage the parties, and Bracken District in particular, since it is requesting further investigation in this matter, to be conscious of the expenses they incur or cause others to incur in this matter, and the benefits they are likely to obtain by incurring them because the Commission will closely scrutinize the reasonableness of such expenses.

Order at 5.

Ignoring this admonition, on February 10, 2021, Bracken District submitted 60 questions, many of which had subparts. In contrast, Commission Staff submitted 4 questions.

Substantial time and effort will be required to respond to the Bracken District's 60 questions. In addition to filling City staff time over the next two weeks, the City will need to coordinate with its professional representatives—such as attorneys and accountants—in order to respond to Bracken District's responses.

If considered in the context of the Federal Rules of Civil Procedure, Bracken District's questions would not meet the requirement that discovery be proportional to the needs of the case, based on several elements therein. *See* FRCP 26(b)(1). First, the amount in controversy is relatively small—\$24,303 annually—in contrast to the resources that will be required to respond to the questions. Second, and relatedly, the burden and expense of the proposed discovery does not outweigh its likely benefit. Third, Bracken District already has access to some of Augusta's financial information. In fact, pursuant to the Water Purchase Contract, Augusta provides Bracken District with a monthly report on the Augusta's Water Treatment Plant expenses for the previous month. Fourth, both parties have limited resources, in that they are governmental entities that rely on their ratepayers (and taxpayers in the City's position).

These factors suggest that Bracken District's First Request for Information should be stricken from the record of this case and that Augusta should not be required to respond to it. Alternatively, Augusta requests an order from the Commission narrowing the scope of Bracken District's questions to which Augusta must respond. In light of the pending deadlines in this matter, Augusta respectfully requests expedited review of this motion.

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8(7), this is to certify that the February 11, 2021, 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 February 11, 2021; and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Paper copies of the foregoing shall be filed in the Commission's offices within 30 days after the state of emergency is lifted, which is consistent with the findings in Case No. 2020-00085.



COUNSEL FOR CITY OF AUGUSTA