

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

**In the Matter of:**

**ELECTRONIC TARIFF FILING OF CITY OF )  
AUGUSTA REVISING ITS WHOLESALE ) CASE NO. 2020-00277  
WATER SERVICE RATES )**

**RESPONSE TO BRACKEN DISTRICT'S  
MOTION FOR ESTABLISHMENT OF A HEARING DATE  
AND ISSUANCE OF SUBPOENAS**

The City of Augusta, by counsel, hereby provides its statement regarding a potential hearing in this matter and its response to Bracken County Water District's ("Bracken District") Motion for Establishment of a Hearing Date and Issuance of Subpoenas.

Nearly six months after Bracken County Water District submitted a letter to the Commission indicating it had no objection to the City of Augusta's proposed rate increase, Bracken District changed its mind. The Commission agreed to establish a new procedural schedule, including an extra round of written discovery to Augusta, a deadline for intervenor testimony, a deadline for Augusta's rebuttal testimony, and a date by which a party shall request a hearing or file a statement that this case may be submitted for a decision based on the existing record.

Bracken District submitted a voluminous request for information on February 10, 2021, to which Augusta timely responded on February 24, 2021.<sup>1</sup> Bracken District has not provided any written testimony in opposition of Augusta's proposed increase. Because Bracken District

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<sup>1</sup> Augusta acknowledges that Bracken District has contacted Augusta about information that was not provided in response to the request for information. Augusta anticipates providing supplemental information on or before April 30, 2021, in response to Bracken District's request.

did not provide any testimony, no written discovery was issued, and there was no testimony to rebut.

Because Bracken District did not provide any testimony, the Commission should grant Augusta's proposed rate increase with an additional amount to recover Augusta's rate-case expenses without a hearing. The record in this case demonstrates that this would be a fair, just, and reasonable rate.

Bracken District's arguments requesting a hearing are unavailing. It maintains that the evidentiary record is limited because, as Bracken District argues, Augusta has not filed written testimony or "the documentary evidence that the Commission has generally required of a municipal utility in a rate proceeding."<sup>2</sup> Although Bracken District is correct that Augusta has not provided—nor was requested to provide—written testimony, it is incorrect that Augusta has not provided documentary evidence on topics that the Commission commonly reviews in municipal-wholesale-water rate cases. In fact, Augusta provided nearly 650 pages of information in response to Bracken District's request for information. Bracken District cannot now complain that Augusta did not provide information that Augusta was not requested to provide.

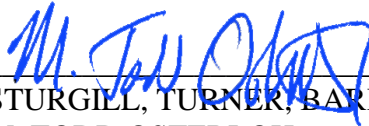
Augusta acknowledges that the parties are engaged in settlement negotiations, and that it is unclear whether these discussions will be successful. It also acknowledges that there is limited time by which the Commission must issue a decision in this matter. But the limited timeframe is a direct by-product of Bracken District's near six-month delay. Augusta should not be disadvantaged for Bracken District's dilatory actions.

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<sup>2</sup> Bracken District Motion at 2.

If the Commission determines that an evidentiary hearing is proper, Augusta respectfully requests an informal conference with Commission Staff to discuss possible dates and scope of the hearing. Counsel for Augusta has several dates on which he has inflexible conflicts. In addition, Bracken District has requested the issuance of subpoenas for four individuals. Of those four, Doug Padgett, Gretchen England, and Susan Butts are Augusta employees and Augusta will produce those witnesses on a mutually convenient date without the need for a subpoena. Augusta will encourage Donna Hendrix to attend any possible hearing, but she is not an employee of Augusta.

Respectfully submitted,



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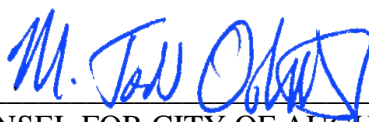
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## CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that the City of Augusta's electronic filing of this Response to Bracken District's Motion for Establishment of a Hearing Date and Issuance of Subpoenas is a true and accurate copy of the same document being filed in paper medium; that the electronic filing was transmitted to the Commission on April 23, 2021; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that within 30 days following the end of the state of emergency announced in Executive Order 2020-215 this Response in paper medium will be delivered to the Public Service Commission..

A handwritten signature in blue ink, appearing to read "M. Todd O'Neil", is written over a horizontal line.

COUNSEL FOR CITY OF AUGUSTA