

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

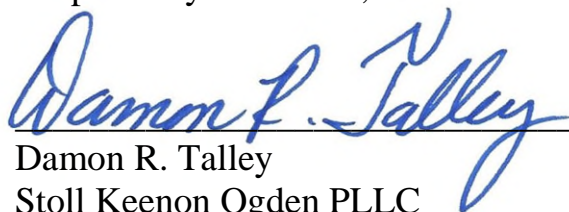
ELECTRONIC INVESTIGATION INTO)
LATE PENALTY OF OHIO COUNTY) CASE NO. 2021-00017
WATER DISTRICT)

NOTICE OF FILING

Ohio County Water District (“Ohio District”) gives notice of its filing of the attached Affidavit of Ohio District General Manager Eric Hickman in support of Ohio District’s Offer of Settlement, which will be filed separately later this day.

Dated: October 28, 2021

Respectfully submitted,



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Counsel for Ohio County Water District

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, and the Public Service Commission's Order of October 28, 2021 in Case No. 2020-00085, I certify that this document was transmitted to the Public Service Commission on October 28, 2021 and that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding.



Counsel for Ohio County Water District

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO)
LATE PENALTY OF OHIO COUNTY) CASE NO. 2021-00017
WATER DISTRICT)

AFFIDAVIT OF ERIC HICKMAN

Eric Hickman, being duly sworn, states:

1. Since January 1, 2021, I have been employed as General Manager of Ohio County Water District. Prior to that date, I was employed by the City of Madisonville as City Engineer from March 4, 2019 to December 18, 2020.

2. I succeeded Mr. Walt Beasley as General Manager, who served in that position from July 2001 to December 31, 2020.

3. Mr. Beasley previously submitted an affidavit to the Public Service Commission regarding Ohio District's submission of Revised Tariff Sheet No. 7 on December 8, 2005. He stated under oath:

On December 8, 2005, Ohio District filed with the Commission a Revised Sheet No. 7 that listed the approved charges. Revised Tariff Sheet No. 7 was intended to replace the existing version of Sheet No. 7, which Ohio District had filed with the Commission in 2001. Revised Tariff Sheet No. 7 omitted the following charges listed on the 2001 version of the tariff sheet: Field Collection Charge, Late Payment Penalty, Meter Relocation Charge, and Re-Connection Charge (After Hours). The omission was inadvertent and not intentional. At no point did Ohio District intend to discontinue these

charges. Until the issuance of the Commission's Order of December 3, 2020, Ohio District was unaware that the amount of the late payment penalty was no longer listed in its filed tariff.

A copy of Mr. Beasley's affidavit is attached as Exhibit 1 to this Affidavit.

4. I have inquired of all current personnel, including the members of Ohio District's Board of Commissioners, regarding the December 8, 2005 submission. No present Ohio District employee or officer has knowledge of that submission or was aware of the omission of the late payment penalty from the submitted tariff sheet.

5. None of the present members of Ohio District's Board of Commissioners were on that Board in 2005.

6. Ohio District does not currently employ the persons who were General Manager or Office Manager at the time of the December 2005 submission.

7. Pursuant to the Public Service Commission's Order of March 16, 2020 in Case No. 2020-00085, Ohio District ceased charging a late payment penalty as of March 16, 2020.

8. Notwithstanding the termination on December 31, 2020 of the restrictions on the assessment of late payment fees imposed by the Public Service Commission's Order of March 16, 2020, and Ohio District's position that Ohio District could lawfully assess late payment penalties because the December 8, 2005 submission failed to comply with the provisions of 807 KAR 5:011 and KRS

278.180, Ohio District has continued to refrain from the assessment of any late payment penalties. As of October 1, 2021, this action has resulted in Ohio District forgoing approximately \$69,307 in late payment penalties.

9. Ohio District is currently reviewing its existing tariff and plans to complete this review by Spring 2022 and to file a revised tariff with the Public Service Commission no later than June 30, 2022.

AFFIANT SAITH NOTHING FURTHER

Eric J. Hickman, P.E.

COMMONWEALTH OF KENTUCKY)

) SS:

COUNTY OF OHIO)

Subscribed and sworn to before me, a Notary Public in and before said County and State, this 26 day of October 2021.

Notary Public

My Commission Expires: 10/2/2022

Notary ID: 608882

EXHIBIT 1

COMMONWEALTH OF KENTUCKY)
) SS:
COUNTY OF OHIO)

AFFIDAVIT OF WALT BEASLEY

Walt Beasley, being duly sworn, states:

1. I am the General Manager of Ohio County Water District ("Ohio District") and have held that position since July 2001.

2. On October 13, 2005, Ohio District applied to the Kentucky Public Service Commission ("the Commission") to increase certain non-recurring charges. In its application, Ohio District did not request any change or revision to its late payment penalty. When preparing its application, Ohio District requested assistance from the Kentucky Rural Water Association ("KRWA"). KRWA personnel were primarily responsible for calculating the cost of the non-recurring services at issue and preparing the application.

3. On November 18, 2005, the Commission in Case No. 2005-00425 approved the proposed charges and directed Ohio District to submit within 20 days a revised tariff sheet showing the approved charges.

4. To prepare the revised tariff sheet, Ohio District relied upon KRWA personnel. On December 8, 2005, Ohio District filed with the Commission a Revised Sheet No. 7 that listed the approved charges. Revised Tariff Sheet No. 7 was intended to replace the existing version of Sheet No. 7, which Ohio District had filed with the Commission in 2001. Revised Tariff Sheet No. 7 omitted the following charges listed on the 2001 version of the tariff sheet: Field Collection Charge, Late Payment Penalty, Meter Relocation Charge, and Re-Connection Charge (After Hours). The omission was inadvertent and not intentional. At no point did Ohio District intend to discontinue these charges. Until the issuance of the Commission's Order of December 3, 2020, Ohio District was unaware that the amount of the late payment penalty was no longer listed in its filed tariff.

Walt Beasley
WALT BEASLEY

Subscribed and sworn to before me, a Notary Public in and before said County and State,
this 20th day of December 2020.

Valerie Peach
Notary Public

My Commission Expires: 10/2/2022

Notary ID: 608882