

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

**In the Matter of:**

<b>ELECTRONIC TARIFF FILING OF HENDERSON</b>	<b>)</b>	<b>CASE No.</b>
<b>WATER UTILITY REVISING ITS WHOLESALE</b>	<b>)</b>	<b>2021-00067</b>
<b>WATER SERVICE RATES</b>	<b>)</b>	

**PETITION FOR REHEARING**  
**ON BEHALF OF HENDERSON WATER UTILITY**

Comes the Respondent, WATER AND SEWER COMMISSION OF THE CITY OF HENDERSON d/b/a Henderson Water Utility (“HWU”), and hereby petitions the Commission for rehearing pursuant to KRS 278.400.

The issues and reasons for the requested rehearing are as follows:

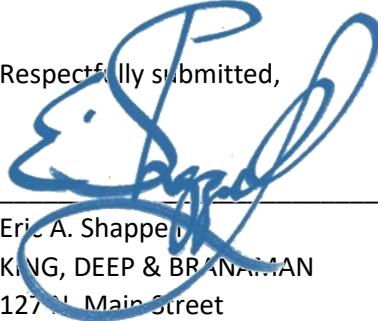
- 1. The date the increased rate becomes effective should be retroactive to August 2, 2021.**
  - a. The Commission has issued an order stating that the effective date of HWU’s new rate is the date of its final order, being November 24, 2021.
  - b. HWU intended to begin charging the rate and holding the funds for potential refund on August 2, 2021 under KRS 278.190(3), but was prohibited from doing so under the Commission’s July 30, 2021 order allowing the parties to brief their positions, which the Commission itself determined to be necessary to develop a robust record upon which the Commission could utilize to render its decision. As the briefings were a necessity as determined by the Commission, punishing HWU for the time to file them and make their decision is not appropriate.
  - c. HWU is now without those four (4) months of the increased rate, and requests the Commission’s decision to be retroactive to the August 2, 2021 date, as it believes the order prohibiting it from charging the proposed rate was improper under KRS 278.190(3).
  - d. The funds lost can be collected over several months so as not to cause a significant burden to any of the rate payers.
  
- 2. The “cost of services study” ordered in the Commission’s final order, should be delayed until the power issue is resolved by the installation of HWU’s new water intake system.**
  - a. The parties each audit the costs of their respective systems, and their interests in HWU’s systems on an annual basis. A costs of services study (COSS) at this point would be redundant and expensive, and would only increase the costs to all parties and their ratepayers at this time. Until such time as the new water intake system can be constructed and put into service, a COSS would serve no real purpose. If the

Commission desires a COSS, it should not occur until at least one year after the new water intake system has been put into full service, and HWU is no longer paying Big Rivers for the costs of running their pumps. Only then can an accurate COSS be completed and have some benefit to the parties.

- b. As all parties have agreed at this time that the formulas being used are reasonable, there is no prejudice to any party or their rate payers for the delay. The only prejudice would be in having an increase in rates due to having the COSS performed.

Dated: December 15, 2021

Respectfully submitted,



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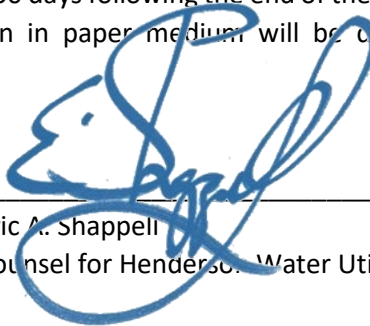
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*Counsel for Water and Sewer Commission of the City of  
Henderson d/b/a Henderson Water Utility*

#### **CERTIFICATE OF SERVICE**

In accordance with 807 KAR 5:001, Section 8, I certify that Henderson Water Utility 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 December 15, 2021; that there are currently no parties that the Public Service 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 Motion in paper medium will be delivered to the Public Service Commission.



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Eric A. Shappell  
Counsel for Henderson Water Utility