

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF HYDEN-) CASE NO. 2021-00071
LESLIE COUNTY WATER DISTRICT)

REQUEST FOR HEARING

Pursuant to the Public Service Commission’s Order of September 15, 2021, Hyden-Leslie County Water District (“Hyden-Leslie District” or “the District”) requests a hearing in this matter on the limited issue of whether the Public Service Commission’s Substitute Rule 11.j, which concerns meter placement, conflicts with 401 KAR 8:100 and 807 KAR 5:066, Section 3(1).¹ Hyden-Leslie District does not request a hearing on any other issue.

Pursuant to 807 KAR 5:001, Section 4(6), Hyden-Leslie District requests that subpoenas be issued to the following persons to compel their appearance as witnesses to provide testimony at the requested hearing:

Rebecca W. Goodman
Secretary, Energy and Environment Cabinet
Energy and Environment Cabinet
300 Sower Boulevard
Frankfort, Kentucky 40601

Tony Hatton
Commissioner, Department of Environmental Protection
Department of Environmental Protection
300 Sower Boulevard
Frankfort, Kentucky 40601

¹ 807 KAR 5:066, Section 3(1), provides: “Any utility furnishing water service for human consumption or domestic use shall conform to all legal requirements of the Natural Resources Cabinet [now Energy and Environment Cabinet] for construction and operation of its water system as pertains to sanitation and potability of the water.”

Carey Johnson
Director, Division of Water
Division of Water
300 Sower Boulevard
Frankfort, Kentucky 40601

Jory Becker
Manager, Water Infrastructure Branch
Division of Water
300 Sower Boulevard
Frankfort, Kentucky 40601

These persons are responsible for the administration and enforcement of 401 KAR 8:100 and are uniquely situated to provide testimony regarding that regulation.

Hyden-Leslie District as public water system is subject to 401 KAR 8:100 and any facilities or equipment that it places on facilities is subject to the review and approval of the Energy and Environment Cabinet (“Cabinet”). In its Application for Rehearing, the District noted that the Substitute Rule 11.j conflicts with 401 KAR 8:100, an administrative regulation that the Cabinet promulgated, administers and enforces. Simultaneously with the filing of its Application for Rehearing, the District requested from the Department of Environmental Protection² (“Department”) an interpretation as to whether the placement of an individual booster pump on an individual residential service connected to a public water supply main is permitted under 401 KAR 8:100. Commission Staff has deemed such interpretation to be relevant as it has requested a copy of the Department’s interpretation.³

The District has advised the Department that the Public Service Commission has granted the District’s Application for Rehearing and has requested a copy of any written interpretation issued by the Department. While the Department has acknowledged receipt of the District’s request by electronic mail, it has not otherwise responded to the request.

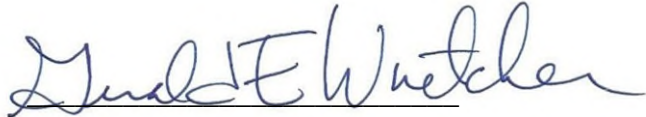
² The Department is a department of the Energy and Environment Cabinet. KRS 224.10-020(3).

³ See Commission Staff’s First Request for Information on Rehearing, Item 2(d).

Should the Department issue the requested written interpretation, the need for the requested hearing will no longer exist and Hyden-Leslie District will file that interpretation with the Public Service Commission as required by Commission Staff's First Request for Information on Rehearing, will withdraw its request for a hearing and will request this matter be submitted for decision.

Date: November 9, 2021

Respectfully submitted,

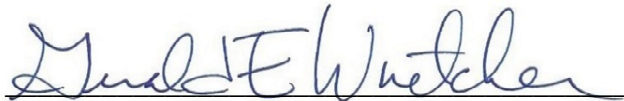


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Counsel for Hyden-Leslie County Water District

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8 and the Public Service Commission's Order of July 22, 2021 In Case No. 2020-00085, I certify that this document was transmitted to the Public Service Commission on November 9, 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 Hyden-Leslie County Water District