

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO)
WHOLESALE WATER RATES)
CHARGED BY THE CITY OF)
CARLISLE TO SHARPSBURG WATER) **CASE NO. 2021-00382**
DISTRICT AND NICHOLAS COUNTY)
WATER DISTRICT PURSUANT TO)
KRS 278.200, KRS 278.160, KRS 278.180,)
KRS 278.190 AND 807 KAR 5:011)

MOTION TO POSTPONE HEARING

Nicholas County Water District (“Nicholas District”) moves the Commission to postpone the Hearing scheduled in this matter for February 8, 2022. In support of this Motion, Nicholas District states:

1. On October 20, 2021, the Commission established this matter to investigate the wholesale water rates charged by the City of Carlisle (“Carlisle”). In its October 20, 2021 Order, the Commission scheduled a formal Hearing for February 8, 2022.

2. On November 30, 2021, at the request of Carlisle, the Commission scheduled an emergency Hearing for December 17, 2021.

3. At the emergency Hearing held on December 17, 2021, it became apparent that Carlisle had not yet engaged the services of an expert to perform a Cost of Service Study (the “COSS”) to support its proposed wholesale rate

adjustment. Carlisle's Mayor testified that it would cost Carlisle approximately \$60,000 to have a COSS performed. To the best of Nicholas District's knowledge, after reasonable inquiry, it believes that Carlisle has still not engaged the services of an expert to perform the required COSS.

4. At the conclusion of the emergency Hearing, Nicholas District reasonably believed that the previously scheduled February 8, 2022 formal Hearing was going to be postponed. As a result, it has not taken any steps to prepare for a formal Hearing on February 8, 2022.

5. As the Commission knows, Nicholas District filed its Response to the Commission Staff's Post-Hearing Request for Information on January 24, 2022. Because both of its office employees had contracted COVID-19 and had to be absent for several days, Nicholas District was unable to timely file its Response to Carlisle's Post-Hearing Request for Information (the "Response"). It filed a Motion for an Extension of Time and requested that the Commission extend the deadline until Monday, February 7, 2022. Nicholas District fully expects to file its Response on that date. Thus, if the formal Hearing is held on February 8, 2022, Carlisle, Sharpsburg Water District, and the Commission will have less than 24 hours to review the Response.

6. Fundamental fairness and minimum due process dictate that neither Carlisle nor any party should be required to participate in a formal Hearing without

having an adequate opportunity to review the information that will be considered at the formal Hearing.

7. This Motion is not made for purposes of delay, but to ensure that all parties and the Commission have adequate time to review Nicholas District's Response.

8. Nicholas District suggests that the date and time originally set aside for the formal Hearing be utilized to conduct an Informal Conference. This will enable the parties and the Commission to narrow the legal issues, to discuss the status of Carlisle's water intake pump issues, to learn whether Carlisle plans to support its wholesale rate increase with a COSS, and to discuss other relevant matters.

WHEREFORE, Nicholas District respectfully requests that the Commission postpone the Hearing scheduled for February 8, 2022.

Dated: January 31, 2022

Respectfully submitted,



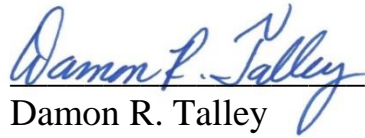
Damon R. Talley
Stoll Keenon Ogden PLLC
P.O. Box 150
Hodgenville, KY 42748-0150
Telephone: (270) 358-3187
Fax: (270) 358-9560
damon.talley@skofirm.com

Mary Ellen Wimberly
Stoll Keenon Ogden PLLC
300 West Vine Street, Suite 2100
Lexington, Kentucky 40507-1801
Telephone: (859) 231-3047
Fax: (859) 246-3647
maryellen.wimberly@skofirm.com

Counsel for Nicholas County Water District

CERTIFICATE OF SERVICE

In accordance with the Commission's Order of July 22, 2021 in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), this is to certify that the electronic filing has been transmitted to the Commission on January 31, 2022; and that there are currently no parties in this proceeding that the Commission has excused from participation by electronic means.


Damon R. Talley