

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

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| ELECTRONIC APPLICATION OF ROWAN WATER, |) | |
| INC. FOR A CERTIFICATE OF PUBLIC CONVENIENCE |) | |
| AND NECESSITY TO CONSTRUCT A SYSTEM |) | |
| IMPROVEMENTS PROJECT AND AN ORDER |) | CASE NO. |
| APPROVING A CHANGE IN RATES AND AUTHORIZING |) | 2023-00046 |
| THE ISSUANCE OF SECURITIES PURSUANT TO |) | |
| KRS 278.023 |) | |

MOTION TO STRIKE

Comes now Rowan Water, Inc. (“Rowan Water”), by and through counsel, and respectfully moves the Kentucky Public Service Commission (“Commission”) to strike portions of its Order entered on March 23, 2023. Specifically, Rowan Water requests that the paragraphs contained on page 4 and continuing on the top of page 5 be stricken from the Commission’s March 23, 2023 Order and removed from the record in this proceeding. In support of this motion, Rowan Water respectfully states as follows:

1. On September 2, 2022, Rowan Water tendered to the Commission an Application for the adjustment of its rates pursuant to the Alternative Rate Filing (“ARF”) in Case No. 2022-00252. Rowan Water submitted a filing to cure deficiencies in that Application on September 6, 2022. Rowan Water had been ordered in Case No. 2021-00042 to file a case by April 19, 2022. Rowan Water received an email from Commission Staff on May 2, 2022 informing it that it had not filed the rate proceeding by the Commission’s deadline and requesting the status of same. Rowan Water began looking for someone to assist in filing the ARF proceeding.

2. Rowan Water believes that the Commission has been misinformed about the information that was provided to Commission Staff and in the record of the proceeding in Case No. 2022-00252 regarding the timing of the Application in this proceeding.

3. In the Application filed by Rowan Water on September 2, 2022, (the “ARF Application”) Rowan Water included in the “Supplemental Information” filing (page 3 of 303 in the pdf file located on the Commission’s website), information regarding the Application in this proceeding and that this filing may be filed during the pendency of the ARF proceeding. Rowan Water stated:

Rowan Water has also been notified by the United States Department of Agriculture (USDA) acting through Rural Development (RD) that it has been approved for a construction project funding. Rowan Water anticipates filing the approval of that construction and the rates for that project approved by USDA/RD during the pendency of this case. **Rowan Water wanted to bring that to the Commission attention during the beginning stages of this proceeding.** (emphasis added)

4. In addition to the information provided in the ARF Application, Rowan Water included the “Letter of Conditions” for this RD Project, that was received from USDA/RD, in its responses to Commission Staff’s First Request for Information – Item No. 12 in Case No. 2022-00252. Commission Staff followed up on the status of the Application for the RD Project in Commission Staff’s Third Request for Information, Item No. 4. Rowan Water’s response to Staff’s Third Request for Information, Item No. 4, directed Commission Staff to the Notice of Intent that had been filed in this case as well as this case number.

5. Paragraphs contained on page 4 and continuing on page 5 of the Commission’s Order in the above-styled proceeding entered on March 23, 2023 (the “RD Order”), state that the Commission is “frustrated with the timing of both filings and the lack of forthrightness and

candor on the part of Rowan Water.” As you can see, Rowan Water informed the Commission on at least three different occasions in the official record of the ARF proceeding (Case No. 2022-00252), including in the initial Application filing and even stated that it wanted to make the Commission aware of this possibility in the beginning stages of the ARF proceeding.

6. Rowan Water also states that based on its information and belief, that its counsel in the ARF proceeding informed members of Commission Staff of this RD proceeding prior to filing the ARF Application and the possible overlapping of the two cases. Rowan Water’s counsel in the ARF proceeding would provide any additional information regarding all information provided prior to filing the application in Case No. 2022-00252, guidance received and all information provided during that proceeding.

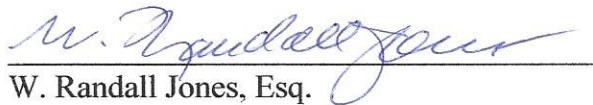
7. The paragraphs on page 4 and continuing on page 5 of the Commission’s RD Order misstate the information that was provided to Commission Staff and the Commission regarding the timing of the filings of the ARF Application and the Application in this proceeding. Rowan Water and its counsel in the ARF proceeding provided information regarding the possible overlapping of the two proceedings and followed the advice given as to filing the ARF proceeding and how to alert the Commission of the timing of the two proceedings. Rowan Water and its counsel in the ARF proceeding informed the Commission in the initial Application filing of the possibility and that it wanted to inform the Commission in the early stages of the proceeding.

8. Rowan Water believes that it has been forthright with the Commission and has been transparent regarding the possible overlapping of the two cases and requests that the paragraphs contained in the RD Order be stricken and removed from the record of this proceeding. These paragraphs indicated that both Rowan Water and its counsel in the ARF

proceeding were not transparent with the Commission regarding the two proceedings, and as it has been demonstrated in this Motion to Strike, Rowan Water and its counsel informed the Commission on multiple occasions, both formally and informally on the status of the two proceedings and the possible overlapping of the two proceedings.

Dated this 24th day of March, 2023.


Respectfully submitted,



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CERTIFICATE OF SERVICE

This is to certify that foregoing was submitted electronically to the Commission on March 24, 2023 and that there are no parties that have been excused from electronic filing. Pursuant to prior Commission orders, no paper copies of this filing will be submitted.



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