

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

**In the Matter of:**

<b>ELECTRONIC APPLICATION OF</b>	)	
<b>BIG SANDY WATER DISTRICT</b>	)	
<b>FOR A CERTIFICATE OF PUBLIC</b>	)	
<b>CONVENIENCE AND NECESSITY TO</b>	)	
<b>DEPLOY AN ADVANCED METERING</b>	)	<b>Case No. 2023-00163</b>
<b>INFRASTRUCTURE AND</b>	)	
<b>GEOGRAPHIC INFORMATION SYSTEM,</b>	)	
<b>ISSUANCE OF EVIDENCE OF</b>	)	
<b>INDEBTEDNESS, AND REQUEST FOR</b>	)	
<b>EXPEDITED RELIEF</b>	)	

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**MOTION FOR DEVIATION FROM FILING REQUIREMENTS FOR  
APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY  
BY  
BIG SANDY WATER DISTRICT**

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Big Sandy Water District (“Big Sandy District”), by counsel, and pursuant to 807 KAR 5:001 and other applicable law, hereby applies for a waiver of certain requirements for Big Sandy District’s Application for a Certificate of Public Convenience and Necessity, Issuance of Evidence of Indebtedness, and Request for Expedited Relief (“Application for CPCN”). The specific requirements for which Big Sandy District seeks a waiver are narrow in scope such that the absence of that information will not materially affect the Commission’s review of the relief sought in the Application. In this Motion, Big Sandy District respectfully asks the Commission to waive certain limited requirements and as grounds therefore states as follows.

**I. INTRODUCTION**

1. 807 KAR 5:001 Section 16 sets forth requirements for requesting a waiver from the Commission’s regulations for rate change applications. A waiver request “shall include the specific reasons for the request.” 807 KAR 5:001 Section 16(10). The Commission “shall grant”

the waiver request if the applicant shows good cause. 807 KAR 5:001 Section 16(10). First, the Commission “shall consider” whether the utility’s other information provided “is sufficient to allow the commission to effectively and efficiently review the rate application.” 807 KAR 5:001 Section 16(10)(a). Second, the Commission “shall consider” whether the information subject to the request “is normally maintained by the utility or reasonably available to it from the information it maintains[.]” 807 KAR 5:001 Section 16(10)(b). Third, the Commission “shall consider” the expense the utility will incur in providing the information subject to the request. 807 KAR 5:001 Section 16(10)(c).

## **II. REQUEST FOR WAIVER OF 807 KAR 5:001 § 15(2)(d)(1) and § 18(2)(c).**

2. 807 KAR 5:001 § 15(2)(d)(1) requires the submission of “One (1) copy in portable document format on electronic storage medium and two (2) copies in paper medium of: 1. Maps in suitable scale showing the location or route of the proposed construction or extension, as well as the location to scale of like facilities owned by others located anywhere within the map area with adequate identification as to the ownership of the other facilities.

3. Likewise, 807 KAR 5:001 § 18(2)(c) requires “Maps and plans of the proposed property and constructions . . . .”

4. As discussed in the Application for CPCN, the Leak Reduction Project is not an extension or new construction, but will modify Big Sandy District’s existing infrastructure. As a result, Big Sandy District has not prepared a separate route or construction map for the Leak Reduction Project. Big Sandy District has instead provided a map depicting its service area, which is the area in which the Leak Reduction Project will be implemented.

5. Accordingly, to the extent necessary, Big Sandy District respectfully asks for a waiver of 807 KAR 5:001 § 15(2)(d)(1), and respectfully submits that good cause has been shown therefore.

**III. REQUEST FOR WAIVER OF 807 KAR 5:001 § 15(2)(d)(2).**

6. To the extent applicable, Big Sandy District seeks a waiver of 807 KAR 5:001 § 15(2)(d)(2), requiring the submission of “One (1) copy in portable document format on electronic storage medium and two (2) copies in paper medium of: 2. Plans and specifications and drawings of the proposed plant, equipment, and facilities.”

7. As discussed in the Application for CPCN, separate plans, specifications, and drawings have not been prepared for the Leak Production Project at this time, which is a result of the fact that the project seeks to modify existing infrastructure. Big Sandy District has provided all plans, specifications, or drawings to the extent that they exist, which are contained within Exhibit 2 to the Application.

8. Accordingly, to the extent the Commission believes a deviation is necessary, Big Sandy District respectfully asks for a waiver of 807 KAR 5:001 § 15(2)(d)(2) and respectfully submits that good cause has been shown therefore.

**IV. REQUEST FOR WAIVER OF KRS 322.340.**

9. Big Sandy District seeks a waiver of KRS 322.340 requiring the submission of any engineering plans, specifications, drawings, plats and reports for the proposed construction or extension to be prepared by a registered engineer to be signed, sealed, and dated by an engineer registered in Kentucky.

10. Similar to the prior requests and as explained in the Application, no engineering plans, specifications, drawings, or plats requiring the certification of an engineer pursuant to KRS 322.340 have been prepared for the Leak Reduction Project.

11. Accordingly, to the extent the Commission believes a deviation is necessary, Big Sandy District respectfully asks for a waiver of KRS 322.340.

**V. REQUEST FOR WAIVER OF 807 KAR 5:001 § 18(1)(g).**

12. Big Sandy District seeks a waiver of 807 KAR 5:001 § 18(1)(g) requiring the submission of “a copy of the applicant’s written notification to the state local debt officer regarding the proposed issuance.”

13. As discussed in the Application for CPCN, the Department of Local Government (“DLG”) requires that notice be provided following the sale of the bonds so that DLG has notice of all final terms of issuance, which such sale will only occur if the Commission grants the relief requested herein. Big Sandy District has provided a draft form notice for the Commission’s review, and Big Sandy District agrees to file a copy of the final, as-sent notice in the post-case file, assuming the requested relief is granted by the Commission.

14. Accordingly, Big Sandy District respectfully asks for a waiver 807 KAR 5:001 § 18(1)(g) and respectfully submits that good cause has been shown therefore.

**IV. RELIEF SOUGHT**

15. For the foregoing reasons, Big Sandy District respectfully asks that the Commission grant a deviation for the following requirements for its Application for CPCN:

- a. 807 KAR 5:001 Section 15(2)(d)(1);
- b. 807 KAR 5:001 Section 15(2)(d)(2);
- c. KRS 322.340;

- d. 807 KAR 5:001 Section 18(1)(g); and,
- e. 807 KAR 5:001 Section 18(2)(c).

This the 24th day of May, 2023.

Respectfully submitted,

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### **Certification**

I hereby certify that a copy of this filing has been served electronically on all parties of record through the use of the Commission's electronic filing system, and there are currently no parties that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ R. Brooks Herrick  
*Counsel to Big Sandy Water District*