

**KENTUCKY-AMERICAN WATER COMPANY**  
**CASE NO. 2023-00191**  
**COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION ON REHEARING**

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**Witness: Jeffrey Newcomb**

1. Provide the date Kentucky-American began charging the rates as set in the final Order issued in this matter on May 3, 2024.

**Response:**

Kentucky-American Water Company (“KAW”) has not begun charging the rates set forth in the May 3, 2024 Order. As noted by the Public Service Commission (“Commission”) in its June 27, 2024 Order,<sup>1</sup> KAW filed a May 16, 2024 Petition for Rehearing to correct five different material calculations in the May 3, 2024 Order. The Commission granted that Petition, in part, on May 28, 2024 to obtain additional information as to whether the May 3, 2024 rates should be revised and whether any revised rates should be effective for service rendered on and after February 6, 2024.

On May 31, 2024, KAW filed its Motion Regarding Refunds. At page 3 of that motion, KAW stated that it has continued to charge its proposed rates given the possibility that rates may be revised as a result of the rehearing process. KAW had already informed Commission Staff and the intervenors of that fact at the May 29, 2024 Informal Conference. KAW’s Motion Regarding Refunds was unopposed, but the Commission denied it in its June 27, 2024 Order.

As noted in KAW’s Motion Regarding Refunds, KRS 278.190(4) provides:

If the commission, by order, directs any utility to make a refund... the utility shall make the refund within sixty (60) days after a *final* determination of the proceeding by an order of the court or commission...(*emphasis added*)

KRS 278.400 provides:

...Upon the rehearing, the commission may change, modify, vacate or affirm its former orders, and make and enter such order as it deems necessary.

The Commission’s June 27, 2024 Order denying the Motion Regarding Refunds cites to KRS 278.190(4), but it does not seem to focus on the fact that this case is not “final” until the rehearing process is complete.

When the Commission, on May 17, 2024 entered a *nunc pro tunc* order making changes to the May 3, 2024 Order and when the Commission granted, on May 28, 2024, KAW’s

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<sup>1</sup> June 27, 2024 Order, p. 2.

Petition for Rehearing (and also revised the rate for Judy Water Association), KAW understood the May 3, 2024 order no longer to be “final.” This understanding was set forth in the May 16, 2024 Petition for Rehearing in which KAW stated that updating the tariff and issuing refunds while the rehearing process proceeded would create confusion and uncertainty in customers who would receive refunds only to be subject to surcharges to catch rates back up to whatever rates are deemed to be just and reasonable in the Commission’s *final* determination. Nevertheless, KAW will comply with the Commission’s June 27, 2024 Oder and begin charging the May 3, 2024 rates, as changed on May 17 and 28, 2024.

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2. Provide the date Kentucky-American began charging the rates as set in the final Order issued in this matter on May 3, 2024, as amended by the Order issued by May 17, 2024.

**Response:**

Please see the response to Question 1.

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3. Provide the date Kentucky-American began charging the rates as set in the final Order issued in this matter on May 3, 2024 as amended by the Order issued May 17, 2024, and the Order issued May 28, 2024.

**Response:**

Please see the response to Question 1.