

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION)
INTO NICHOLAS COUNTY WATER)
DISTRICT FOR AN ALLEGED) CASE NO. 2023-00314
FAILURE TO COMPLY WITH A)
COMMISSION ORDER, 807 KAR 5:006,)
SECTION 4(2), AND KRS 278.160)

RESPONSE TO ORDERS OF OCTOBER 3, 2023 AND OCTOBER 31, 2023

Pursuant to the Kentucky Public Service Commission’s (the “Commission”) Order of October 31, 2023, Nicholas County Water District (the “District”), by counsel, responds to the allegations contained in the Commission’s Order of October 3, 2023 and the Commission’s Order of October 31, 2023 as follows:

I. Order of October 3, 2023

1. In an Order issued October 3, 2023, the Commission, on its own motion, established a proceeding to investigate the District for allegedly failing to comply with KRS 278.160 and the Commission’s March 10, 2023 Order in Case No. 2023-00024.

2. The Commission’s October 3, 2023 Order directed the District to file revised tariff sheets reflecting the rates approved in Case No. 2023-00024 and appearing in Appendix A within ten days of the date of service of the Order.

Response: The District filed revised tariff sheets to comply with this Order on October 9, 2023.¹ The tariff filing was received, reviewed, and accepted by the Commission as of November 3, 2023. A copy of the Commission's Letter of Acceptance is attached as **Exhibit A**.

3. The Order further directed the District to file revised tariff sheets reflecting the rates appearing in Appendix E of the October 3, 2023 Order within twenty days of the date of service of the Order.

Response: The District filed revised tariff sheets to comply with this Order on October 9, 2023.² The tariff filing was received, reviewed, and accepted by the Commission as of November 3, 2023. A copy of the Commission's Letter of Acceptance is attached as **Exhibit B**.

4. In addition, the Order directed the District to provide notice to its customers of the rates appearing in Appendix E of the October 3, 2023 Order within twenty days of the date of service of the Order by publishing a one-time notice in a newspaper of general circulation in the District's territory or placing an insert in its customers' bills.

Response: The District published a one-time notice in the Carlisle Mercury on October 18, 2023.³ A copy of the Customer Notice is attached as **Exhibit C**. In

¹ See TFS 2023-00461.

² See TFS 2023-00462.

³ See October 26, 2023 filing in Case No. 2023-00314.

addition, a copy of the Tear Sheet of the October 18, 2023 publication along with an Affidavit of Publication are attached as **Exhibit D**.

II. Order of October 31, 2023

5. In an Order issued October 31, 2023, the Commission expanded the scope of its investigation by alleging that the District failed to comply with 807 KAR 5:006, Section 4(2) and failed to file a complete 2021 Annual Report as ordered by the Commission.

Response: The District's 2021 Annual Report was filed on November 29, 2023, and an email confirming the filing submission is attached as **Exhibit E**.

III. Conclusion

6. The District has sought the assistance of Kentucky Rural Water Association to correct the deficiencies noted in the Orders of October 3, 2023 and October 31, 2023.

7. Despite the deficiencies set forth in the Orders of October 3, 2023 and October 31, 2023, the District affirmatively states that it is providing adequate, efficient and reasonable water service to its customers.

8. The District acknowledges its obligation under the law to timely comply with all statutes, regulations, and Commission orders and accepts responsibility for the District's failure to do so. The District apologizes for this

failure and will take all actions necessary to ensure the District's future compliance with those statutes, regulations and orders.

WHEREFORE, the District requests that the Commission (1) accept this Response; and (2) close this proceeding.

Dated: November 30, 2023

Respectfully submitted,



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Counsel for Nicholas County Water District

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, and the Commission's Order of July 22, 2021, in Case No. 2020-00085, I certify that this document was submitted electronically to the Public Service Commission on November 30, 2023, and that there are currently no parties that the Public Service Commission has excused from participation by electronic means in this proceeding.


Counsel for Nicholas County Water District

EXHIBIT A

Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet



Commonwealth of Kentucky
Public Service Commission

211 Sower Blvd.
P.O. Box 615
Frankfort Kentucky 40602-0615
Telephone: (502) 564-3940
psc.ky.gov

Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

November 3, 2023

Jason Pennell
Kentucky Rural Water
1151 Old Porter Pike
Bowling Green, KY 42104

RE: Filing No. **TFS2023-00461**
Rates per Order in Case No. 2023-00314, Appendix A

Dear Jason Pennell:

The above referenced filing has been received and reviewed. An accepted copy is enclosed for your files. You may also use the following link to access documents related to this filing.

<https://psc.ky.gov/trf4/TRFListFilings.aspx?ID=TFS2023-00461>

Sincerely,

A handwritten signature in blue ink that reads "Linda C. Bridwell".

Linda C. Bridwell
Executive Director

EXHIBIT B

Andy Beshear
Governor

Rebecca W. Goodman
Secretary
Energy and Environment Cabinet



Commonwealth of Kentucky
Public Service Commission

211 Sower Blvd.
P.O. Box 615
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Kent A. Chandler
Chairman

Angie Hatton
Vice Chairman

Mary Pat Regan
Commissioner

November 3, 2023

Jason Pennell
Kentucky Rural Water
1151 Old Porter Pike
Bowling Green, KY 42104

RE: Filing No. **TFS2023-00462**
Rates per Order in Case No. 2023-00314, Appendix E

Dear Jason Pennell:

The above referenced filing has been received and reviewed. An accepted copy is enclosed for your files. You may also use the following link to access documents related to this filing.

<https://psc.ky.gov/trf4/TRFListFilings.aspx?ID=TFS2023-00462>

Sincerely,

A handwritten signature in blue ink that reads "Linda C. Bridwell".

Linda C. Bridwell
Executive Director

EXHIBIT C

CUSTOMER NOTICE

Notice is hereby given to the customers of Nicholas County Water District (the "District"), pursuant to the October 3, 2023 Order of the Kentucky Public Service Commission (the "PSC") in Case No. 2023-000314, that the following water rates will be charged for all water used on and after August 12, 2023.

<u>Minimum Bills Based on Meter Size</u>		
Meter Size	Gals. Incl'd. in Minimum	Minimum Monthly Bill
5/8x3/4 inch	1,000	\$ 21.93
1 inch	3,000	\$ 42.78
1 1/2 inch	5,000	\$ 59.88
2 inch	10,000	\$ 94.01
3 inch	15,000	\$ 124.76
4 inch	25,000	\$ 186.26
 <u>Rates for Water Usage in Addition to Minimum</u> 		
No. of Gallons per Month		Charge per gallon
First 1,000 Gallons (lump sum)		\$ 21.93
Next 2,000 Gallons		\$ 0.01043
Next 2,000 Gallons		\$ 0.00855
Next 5,000 Gallons		\$ 0.00683
Next 15,000 Gallons		\$ 0.00615
Over 25,0000 Gallons		\$ 0.00581
 Wholesale Rate Per 1,000 Gallons		
Harrison County Water Association		\$ 0.00415

The District has available for inspection at its office the application which it submitted to the Public Service Commission. A person may examine this application at The District's office located at 1639 Old Paris Road, Carlisle, KY 40311. You may contact the office at 859-289-3157.

A person may also examine the application at the Public Service Commission's offices located at 211 Sower Boulevard, Frankfort, Kentucky, 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m., or through the Public Service Commission's website at <http://psc.ky.gov>.

EXHIBIT D

OBITUARIES/COMMUNITY

Richard Elwood George



Richard Elwood George 73 passed away October 14, 2023. He was born in Nicholas County on July 15, 1950, to the late Adrian and Marion Audrey Glass George. He was a farmer. He lived in Carlisle, Ky and loved Horseback Riding, Fishing and Playing Cards. He is survived by three children Darrin "Bubba" George, Tefanie Sue (Michael) Charles and Jonathan (Tosha) Johnson, one granddaughter McKenna Dannyail (Justin) Gates, one great grandson Waylon Keith Gates, two Sisters Martha Kaye (Julian) Leonard and

Judy Carol Crawford, two nieces Cindy (Jackie) Watkins and Tracy Mattox, three nephews, Michael Crawford, Jeffrey Leonard, and David Crawford. He was preceded in death by his parents, Adrian Elwood and Marion Audrey Glass George, a sister, Brenda Crawford, two brothers, Gerald George and Kenneth "Tuddy" George, a niece Pamela Leonard, a nephew, John Crawford. Funeral services were held at 1 pm Wednesday October 18, 2023, at Carlisle-Clark Funeral Home with burial following in the Carlisle Cemetery. Visitation was Wednesday 12 Noon - 1 pm. Pallbearers were Darrin George, Michael Charles, Justin Gates, Mark Hunt, Jonathan Johnson, and David Sapp. Carlisle-Clark Funeral Home in charge of arrangements. In lieu of flowers contributions can be made to the funeral home.

Paul Donald Pratt



Paul Donald Pratt, 63, of Cincinnati, Ohio and Carlisle, Kentucky, husband of Maja Bradford Pratt for almost 20 years, passed away Monday, October 2, 2023. Born May 9, 1960 in Farmington, Michigan to the late Donald Paul & Wilma Paul Pratt, Paul grew up in New York and became a real estate developer. He started his own development company, S.P. Development, which encompassed several properties in Cincinnati. Paul was a very creative individual, a gifted storyteller, a true renaissance man and a builder of all

things-people, property & the land. The consummate host, he loved entertaining his huge group of friends and had the best taste in music. Also surviving are his daughter, Jordan (Charlie) Keller of Cincinnati; 4 siblings: Tracy Pratt-Savage of Carlisle, Glenn (Sue) Pratt of Eden, New York, Jeff Pratt of Palm Springs, California, & Carolyn Pratt of Florida; and several nieces & nephews. A Celebration of Paul's Life will be held 2:00-5:00P.M. Saturday, November 4th on the family farm. In lieu of flowers, the family greatly encourages memorial contributions to your favorite charity. Cremation arrangements are under the direction of Mathers-Gaunce Funeral Home. Condolences may be left at www.mathers-gaunce.com.

Ginger Mardelle Hamm Smith



Ginger Mardelle Hamm Smith, 75, wife of the late Alan "Al" Smith, passed away Friday, October 13, 2023 at Robertson County Healthcare. Born January 16, 1948 in Nicholas County to the late Roy Shellman & Dorothy May Atkinson Hamm, she was a 1966 graduate of Nicholas County High School, a former employee of J.C. Penney and Smits Greenhouse in Paris and member of Mt. Pisgah Baptist Church, Ewing. Ginger enjoyed working in her flower garden, painting and doing crafts. She was a lover

of all animals and dedicated to her family. Surviving are 2 children, Brandon Hatton of Owensboro and Monica (Frank) Durham of Flemingsburg; her sister, Wanda (Roy) Dotson of Carlisle; 5 grandchildren: James Durham, Samuel Durham (Jamie Berry), Kaitlyn Hatton (Jake Baldwin), Tiffany Hatton & Jagger Hatton; 2 great-grandchildren on the way; her niece & nephew, Tracy (Steven) Linville & Darrin Dotson; and a large extended family. In accordance with her wishes, Ginger will be cremated and scattered on her family farm. Memorial contributions are encouraged to the Nicholas County Animal Shelter. Arrangements are under the direction of Mathers-Gaunce Funeral Home. Condolences may be left at www.mathers-gaunce.com.

Chester "Chick" Clayton Earlywine

Chester "Chick" Clayton Earlywine, age 93, of Piqua, KY, passed away on October 10, 2023, at Meadowview Regional Medical Center in Maysville, KY. He was born in Nicholas County, KY, on January 31, 1930, to the late Roy D. And Zettie Mynear Earlywine. He was also preceded in death by his wife, Alberta "Bertie" Brumagen Earlywine; brothers, Jack Earlywine, Shirley Earlywine, and four sisters, Gertrude Hollar, Elore Ritchie, Dee Jackson and Clara Sapp. Chester is survived by his adopted daughter, Martha Jane Poe; a sister Linda Morris; grandchildren, Josh (Jessica Bellamy) Poe, Mackenzy (Brian Strohofer) Poe;

great grandchildren, Sofie, Hunter, Jewell; and a host of nieces and nephews. He was one of the greatest tobacco farmers who ever lived. He could grow tobacco on a rock. Farming was his whole life, and he rarely left the farm. He also enjoyed bird hunting, bluegrass music and basketball. Funeral services for Chester were Saturday, October 14, 2023, at 2:00 P.M. at the Robertson County Funeral Home. Visitation was the evening before, Friday, October 13, 2023, from 5:00 P.M. until 8:00 P.M. Burial will follow services on Saturday in the Mt. Olivet Cemetery. View and sign the guestbook at www.warefuneralhome.com.

Traffic Safety Checkpoint Announcement

The Kentucky State Police, Dry Ridge Post, and the Nicholas County Sheriff and City of Carlisle Police Department will be conducting periodic traffic safety checkpoints throughout the post area. These checkpoints will be conducted in an effort to enforce the traffic laws of the Commonwealth of Kentucky. Special attention will be paid to occupant protection (seatbelt adherence), sobriety, insurance, and registration violations. A complete list of traffic safety checkpoint locations can be found at:

<http://kentuckystatepolice.org/post6checkpoints/>

Traffic Safety Checkpoints are a valuable tool used to promote the safety and well-being of the public as well as providing police with visibility and interaction with the community. Checkpoints are utilized throughout the Commonwealth to help promote highway safety. Local police and county agencies may also assist the Kentucky State Police in conducting these Traffic Safety Checkpoints. All checkpoints will be set up in accordance with state law and in compliance with Kentucky State Police policy and procedure.

TRAFFIC SAFETY CHECKPOINT LOCATIONS

Below is a list of traffic safety checkpoint locations. These roadway locations include, but are not limited to:

NICHOLAS COUNTY

- Myers Road @ Lake Road
- Concrete Road @ Jockey Park
- Moorefield Road
- Marathon Intersection

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A person may also examine the application at the Public Service Commission's offices located at 211 Sower Boulevard, Frankfort, Kentucky, 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m., or through the Public Service Commission's website at <http://psc.ky.gov>.

Published in the Carlisle Mercury on 10.18.23

101 West Main Street

Mon.-Fri. 8:30 am - 5:30 pm
Sat. 8:30 am - 2:00 pm

Closed Wednesday & Sunday

859-588-3431

Happy Halloween!

Be Safe!

FISH FRY and AUCTION

OCTOBER 27TH

At: Nicholas County Fish and Game Club

600 Hickory Ridge Road

Let Dick Garrett do the cooking

Fish - Hush Puppies - Cole Slaw - Fried Potatoes - Drink \$10.00

Everyone welcome. Come and enjoy an evening of fun and great food. Fish Fry starts at 6:00 until gone. Auction starts at 8:00.

IT'S TIME FOR THE

Black Walnut Harvest

STARTING PRICE:

\$16 PER 100 POUNDS

[AFTER HULLING]

Pick up fallen black walnuts and bring them to:

Location: 4600 Burriss Rd., Carlisle, KY
Starting Oct. 2nd - Nov. 18th, 2023

Days/Hours of Operation are:
Closed Sundays
Mon. - Fri. 8-5:00 • Sat. 8-2

\$50.00 Bonus every 2 weeks for whoever brings the most walnuts. \$15.00 for second place.

Clark Funeral Home

Two Convenient Locations:

203 Eastern Ave.
Carlisle, KY

165 Upper Lick Road
Moorefield, KY

Compassionate and Caring

Visit our WEBSITE at:
www.clarkfuneralhomes.net

To view obituaries, services offered and much more

A Service To Meet Your Needs

(859)289-5500

Find us on: facebook.

Affidavit of Publication

I, Petrea Allison, hereby certify that I am
Graphic Designer of the Cause Mercury. I certify
that the attached clipping of the advertisement is a true copy of
said advertisement in the said Newspaper on
Oct. 18, 2023.

In Testimony whereof, witness my signature this 6th day
of Nov. 2023.

The Newspaper Office

BY Petrea Allison

Subscribed and sworn to before me this 6th day of
Nov. 2023

My Commission expires: May 4, 2027

Melissa Mitchell
Notary Public

EXHIBIT E

Damon R. Talley

From: Chad Robinson <[REDACTED]@krb-cpa.com>
Sent: Wednesday, November 29, 2023 3:46 PM
To: Damon R. Talley
Subject: FW: 26500 ALL Schedules Complete - Nicholas County Water District(2021)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Damon,
As discussed, here is the receipt email I received from the submission.

Thanks,

Chad Robinson, CPA
Kerbaugh, Rodes & Butler
Certified Public Accountants

[REDACTED]
[REDACTED]
[REDACTED]
Phone [REDACTED]
Fax [REDACTED]

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender.

From: KY Public Service Commission <PSCfilings@ky.gov>
Sent: Wednesday, November 29, 2023 3:42 PM
To: Chad Robinson <[REDACTED]@krb-cpa.com>
Subject: 26500 ALL Schedules Complete - Nicholas County Water District(2021)

REPRODUCTION You don't often get email from pscfilings@ky.gov. [Learn why this is important](#)
26500 has just marked all schedules complete. The Utility Financial Report is ready for your review. This message has been autogenerated by the PSC Utility Financial .NET Application. Please do not respond to this message.