

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GREEN RIVER VALLEY WATER)	
DISTRICT, HART AND BARREN COUNTIES,)	
KENTUCKY (1) SEEKING APPROVAL OF)	
REVISED WATER SERVICE RATES AND)	CASE NO.
CHARGES; AND (2) SEEKING APPROVAL OF)	2010-00354
THE ISSUANCE OF CERTAIN SECURITIES,)	
PURSUANT TO THE PROVISIONS OF KRS)	
278.023 AND 807 KAR 5:069)	

O R D E R

On September 2, 2010, Green River Valley Water District (“Green River Valley”) applied for approval of an adjustment of water rates and the issuance of securities by the district. In its application, Green River Valley requested a deviation from the requirement of 807 KAR 5:069, Section 2, that it publish a notice containing a brief description of the construction project because the Commission had already granted Green River Valley a Certificate of Public Convenience and Necessity (“Certificate”). Commission Staff reviewed the application and determined that the utility did not need to publish notice containing a brief description of the project. Accordingly, it issued a letter on September 13, 2010, indicating that Green River Valley’s application met the minimum filing requirements.

On September 21, 2010, Green River Valley amended its application to include requesting approval of a Certificate for the construction of facilities. These facilities were initially included in a previous request for a Certificate, but Green River Valley

withdrew that portion of the planned construction from the case because it did not have the final engineering plans completed.¹ In its amended application, Green River Valley renewed its request for a deviation, to the extent necessary, from the regulatory requirement that it publish a notice with a brief description of the construction project.

Green River Valley's amended application was made pursuant to KRS 278.023, which requires the Commission to accept agreements between water utilities and the Department of Agriculture and to issue the necessary Orders to implement the terms of such agreements within 30 days of satisfactory completion of the minimum filing requirements. If a change in rates is required to finance a federally funded construction project, 807 KAR 5:069, Section 2, requires that a utility mail to each customer or publish a notice containing the current and proposed rates and a brief description of the construction project.

Unlike many other Commission regulations, 807 KAR 5:069 does not contain a provision that enables the Commission to allow deviations from its requirements.² The Commission has previously held that it lacks authority to grant deviations from regulatory requirements when there is no specific provision in the regulation that permits deviations.³ We, therefore, are compelled to deny Green River Valley's request for deviation.

¹ Case No. 2009-00162, *Green River Valley Water Dist.* (Ky. PSC Aug. 26, 2009).

² See, e.g., 807 KAR 5:001, Section 14 ("Deviation from Rules. In special cases, for good cause shown, the commission may permit deviations from these rules"); see also 807 KAR 5:006, Section 27; 807 KAR 5:022, Section 18; and 807 KAR 5:026, Section 10.

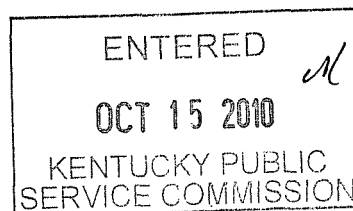
³ See, e.g., Case No. 2005-00460, *Christian County Water Dist.*, at 3-4 (Ky. PSC Mar. 29, 2006); Case No. 2002-00385, *South Shore Water Co.*, at 4 (Ky. PSC Oct. 30, 2002); Case No. 1995-00290, *Pendleton County Water Dist.*, at 2 (Ky. PSC Dec. 20, 1995).

IT IS THEREFORE ORDERED that:

1. Green River Valley's request for deviation from the notice requirements of 807 KAR 5:069, Section 2, is denied.

2. The statutory time period in which the Commission must process this case shall not commence until Green River Valley provides notice to the Commission that it has mailed to each customer or published in a newspaper of general circulation in its local service area a notice that contains the current and proposed rates and a brief description of the construction project.

By the Commission



ATTEST:


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