

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED ADJUSTMENT OF THE)
WHOLESALE WATER SERVICE RATES) CASE NO. 2015-00039
OF THE CITY OF AUGUSTA)

ORDER

On January 6, 2016, the city of Augusta (“Augusta”) and the Bracken County Water District (“Bracken District”) filed a Report on Settlement Discussions and Motion to Suspend Briefing Schedule (“Report and Motion”). Augusta and Bracken District state they have reached an agreement in principle on most key issues including, among other things, a prospective wholesale rate and a methodology for determining future rate adjustments.¹ Augusta and Bracken District anticipate that the agreement in principle will result in a new wholesale water purchase contract.²

The parties state that a written contract embodying the agreement in principle will be submitted to each party’s governing body for review and approval on January 20, 2016.³ If both governing bodies approve the contract, then the parties state that they will file an executed copy of the contract with the Commission no later than January 27, 2016.⁴ If either governing body rejects the contract, the parties state that they will

¹ Report and Motion at 1.

² *Id.*

³ *Id.*

⁴ *Id.* at 2.

immediately report this development to the Commission.⁵ In anticipation of the approvals by each governing body, the parties request a conference with Commission Staff to explain the contract's provisions and answer any questions.⁶

By an Order entered on December 9, 2015, the Commission extended the date by which each party was required to file its brief in this matter from December 9, 2015, up to and including January 8, 2016. In light of the agreement in principle, the parties request a suspension of the briefing schedule.⁷ In further support of the request for a suspension of the briefing schedule, the parties note that Bracken District's motion to strike certain portions of the evidentiary record has not yet been ruled upon.⁸ The parties state that holding the briefing schedule in abeyance for a short period allows additional time for the Commission to address Bracken District's motion, and an abeyance will also avoid the potential for the need for revised or supplemental briefs.⁹

Having reviewed the Report and Motion and being otherwise sufficiently advised, the Commission finds good cause to suspend the briefing schedule. The Commission finds that in the event that either governing body rejects the proposed written contract, the Commission will reinstate a procedural schedule and establish a date by which briefs must be filed. In the event that the contract is approved by both governing bodies, the Commission finds that a copy of the executed contract should be submitted to the Commission on or before January 27, 2016. Following a review of the executed

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

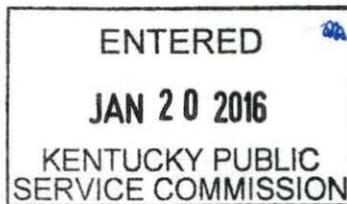
⁹ *Id.*

contract, the Commission will establish a revised procedural schedule to address the further proceedings that are necessary in light of the submission of the contract.¹⁰

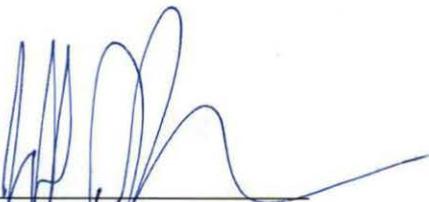
IT IS HEREBY ORDERED that:

1. Augusta and Bracken District's January 6, 2016 joint motion to hold the briefing schedule in abeyance is granted.
2. If the governing bodies of Augusta and Bracken District approve the proposed contract, the parties shall file an executed contract into the record on or before January 27, 2016.
3. If either of the governing bodies of Augusta and Bracken District fails to approve the proposed contract, the parties shall file a notice of the rejection into the record on or before January 22, 2016.
4. Augusta and Bracken District's request for a conference is denied, without prejudice.
5. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission



ATTEST:



Executive Director

¹⁰ Given that each governing body has yet to approve the proposed contract, the Commission declines to establish an informal conference through this Order. If a contract is submitted, Commission Staff may provide notice of an informal conference or the parties may renew their request for an informal conference.

*Bracken County Water District
1324 Brooksville Germantown Road
P. O. Box 201
Brooksville, KY 41004

*City of Augusta
219 Main Street
Augusta, KY 41002

John Laycock
Mayor
City of Augusta
219 Main Street
Augusta, KY 41002

*Diana Moran
Office Manager
Bracken County Water District
P. O. Box 201
Brooksville, KY 41004

*M. Todd Osterloh
Sturgill, Turner, Barker & Moloney, PLLC
333 West Vine Street
Suite 1400
Lexington, KENTUCKY 40507

*Honorable Cynthia C Thompson
Attorney at Law
202 E. Riverside Drive
Augusta, KENTUCKY 41002

*Gerald E Wuetcher
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801