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JUN 24 2019

PUBLIC SERVICE  
COMMISSION

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

PROPOSED ADJUSTMENT OF THE WHOLESAL )  
WATER SERVICE RATES OF THE CITY OF ) Case No. 2019-00080  
PIKEVILLE TO MOUNTAIN WATER DISTRICT )

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**PIKEVILLE’S MOTIONS FOR LEAVE TO FILE RESONSES  
OUT OF TIME, DEVIATE FROM 807 KAR 5:001, SECTION 7(1),  
AND ALLOW ELECTRONIC FILING PROCEDURES**

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The City of Pikeville moves that the Public Service Commission order the following: (1) leave for the City to file responses to the Commission’s initial request for information out of time, (2) approve a deviation from the regulation to allow the City to file the original and one copy of its responses to the Commission's in initial request for information, and (3) allow the use of electronic filing procedures in this proceeding. In support of its motion, the City states the following:

On February 22, 2019, the City electronically filed a proposed tariff sheet with new rates for wholesale service to be effective on April 5, 2019. Mountain Water District requested on March 4, 2019, that the Commission initiate an investigation into the reasonableness of the proposed rates. On March 28, 2019, the Commission established this case. On June 10, 2019, the Commission issued a procedural schedule and initial request for information. The deadline to file responses to that initial request was Friday, June 21, 2019.

When attempting to electronically file the requested information on June 21, the undersigned counsel inadvertently and erroneously believed that the case had been set up for

electronic filing. On discovery that the case had not been set up with electronic filing, counsel served the discovery responses via electronic mail on Commission Staff and counsel for Mountain Water District on the date that responses were due to be filed. *See* E-mails dated June 21, 2019, at 6:11 pm and 6:15 pm attached as Exhibit 1.

On Monday, June 24, 2019, the City filed an original and a copy of its responses to the Commission's initial request for information. The City respectfully requests that the Commission grant the City leave to file these responses after the deadline. The intervening party to this case have been have not been prejudiced by the filing date because all parties, including Commission Staff, were electronically served with the responses by the deadline. In addition, the filing of the hard copy was made on the next business day after the deadline. The undersigned counsel has spoken with counsel for the intervening party, and the intervening party does not object to the filing of responses on June 24.

The City also requests that the Commission permit the City to deviate from 807 KAR 5:001, Section 7(1), that would require it to file an original and ten paper copies of the response, and instead accept the filing with an original and one paper copy. The response is comprised of over 2000 pages. Granting of the deviation would reduce rate case expenses. In addition, the City has provided electronic copies of its response to Mountain Water District and Commission Staff.

Consistent with these requests, the City further seeks Commission approval that this case be converted into a case in which the electronic filing procedures are used. The electronic filing procedures are more efficient and reduce rate case expense.

Counsel for the City are registered with the Commission's E-filing System and are authorized to file with the Commission. They possess the facilities to electronic mail

transmissions and will receive service of Commission orders and other documents through the email addresses listed below.

Accordingly, the City seeks an order from the Public Service Commission (1) allowing leave for the City to file responses to the Commission's initial request for information out of time, (2) approving a deviation from the regulation to allow the City to file the original and one copy of its responses to the Commission's in initial request for information, and (3) allowing the use of electronic filing procedures in this proceeding.

Respectfully submitted,



STURGILL, TURNER, BARKER & MOLONEY, PLLC

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*Attorneys for City of Pikeville*

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 6, I certify that I have served electronic copies of this document on June 24, 2019 to John Hughes at [jnhughes@johnnhughespsc.com](mailto:jnhughes@johnnhughespsc.com), counsel for Mountain Water District.



Counsel for City of Pikeville.

**From:** Mary Myers  
**Sent:** Friday, June 21, 2019 6:11 PM  
**To:** 'jenny.sanders@ky.gov'; 'Jeb.Pinney@ky.gov'; 'jnhughes@johnnhughespsc.com'  
**Cc:** Todd Osterloh  
**Subject:** City of Pikeville Wholesale Water Service Rates PSC Case No. 2019-80  
**Attachments:** Attachments.html

Please see the City of Pikeville Responses to the Commission's First Information Requests. Due to the file size of the Responses, they are being sent via Sharefile in the link below. If you have any difficulty accessing these files, please let us know.

Citrix Attachments		Expires December 18, 2019
Part 1 - Pikeville Response to PSC RFI (0113...25).pdf		20 MB
Part 2 - Pikeville Response to PSC RFI (0113...25).pdf		30.9 MB
Part 3 - Pikeville Response to PSC RFI (0113...25).pdf		31.3 MB
PSC 1-10 INSIDE WATER ADJUSTED TRIAL B...5).xlsx		21.9 KB
PSC 1-18a Inside 36 Month Consumption (01...5).xlsx		15.1 KB
PSC 1-22 Pikeville - MWD COSS spreadsheet...5).xlsx		59.5 KB
PSC 1-29 effect of rate adjustment (0113395...5).xlsx		11.3 KB
PSC 1-4a Check Register Vouchers Payable (0...5).xlsx		361 KB
PSC 1-4a INSIDE WATER GENERAL LEDGER (0...5).xlsx		2.3 MB
PSC 1-9 Depreciation Schedules (01133058x...25).xls		44.5 KB
Read1st Pikeville PSC DR-1 (01134500xA9D25).pdf		116.4 KB

[Download Attachments](#)

Mary Myers uses Citrix Files to share documents securely.

**Mary Myers**  
Legal Assistant  
[mmyers@sturquillturner.com](mailto:mmyers@sturquillturner.com)

**EXHIBIT 1**



Sturgill, Turner, Barker & Moloney, PLLC  
333 West Vine Street, Suite 1500  
Lexington, KY 40507  
p: 859.255.8581 | f: 859.231.0851  
[sturgillturner.law](http://sturgillturner.law)

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**From:** Todd Osterloh  
**Sent:** Friday, June 21, 2019 6:15 PM  
**To:** 'jenny.sanders@ky.gov'; 'Jeb.Pinney@ky.gov'; 'jnhughes@johnnhughespsc.com'  
**Subject:** City of Pikeville, Case No. 2019-00080

**Counsel:**

Please be advised that I inadvertently believed that this case was set up for electronic filing. When attempting to electronically file the City of Pikeville's responses to the Commission's data request, I realized that it had not been set up as an e-filing case. Due to the size of the documents (85MB+), we are establishing a Sharefile site at which you can access the anticipated filing. You should have received an email from my assistant, Mary Myers, with a link to that site. If you have any difficulty accessing that site, please contact me.

On Monday, I will file appropriate motion(s) advising the Commission of these circumstances.

**M. Todd Osterloh**  
Member  
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mobile: 859.433.0027  
direct: 859.977.3911



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