

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED ADJUSTMENT OF THE WHOLESALE)	CASE NO.
WATER SERVICE RATES OF THE CITY OF)	2019-00080
PIKEVILLE TO MOUNTAIN WATER DISTRICT)	

ORDER

The matter is before the Commission upon a motion filed by The city of Pikeville (Pikeville), on June 24, 2019, requesting the Commission grant leave for Pikeville to: (1) file responses to the Commission Staff's (Staff's) initial request for information out of time; (2) approve a deviation from the regulation to allow Pikeville to file the original and one copy of its responses to Staff's initial request for information; and (3) allow the use of electronic filing procedures in this proceeding.

The only intervenor in this proceeding, Mountain Water District (Mountain District), filed a response to Pikeville's June 24, 2019, motion that did not address the first two requests and stated no objection to the motion for electronic filing.

Pikeville states in its motion to file responses out of time that it believed the present case was set up to accept electronic filings when they attempted to file their response to Staff's initial request for information in a timely fashion. Upon realizing the response could not be filed electronically, Pikeville provided a copy of the response to Staff and Mountain District via email. The emails were received by the June 21, 2019 deadline, but the required filing was not made until Monday, June 24, 2019.

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that although the deadline for filing was June 21, 2019, Pikeville made a good faith effort to provide Staff and Mountain District with the information in a timely manner upon realizing that electronic filing was not available.

The Commission also finds that although 807 KAR 5:001, Section 8(2),¹ requires a notice of intent to use the electronic filing procedures be provided to the Commission at least seven days prior to the filing of an application, 807 KAR 5:001, Section 22 allows for a deviation from this requirement upon good cause shown. Pikeville has established good cause to allow a deviation from the notice requirement of 807 KAR 5:001, Section 8(2). No prejudice will occur by establishing the use of electronic filing procedures and using electronic filing procedures will assist in a thorough and efficient review of this matter.

IT IS THEREFORE ORDERED that:

1. Pikeville's motion for leave to file responses to Staff's initial request for information out of time is granted, and the response is accepted for filing as of June 24, 2019.
2. Pikeville's motion for a deviation for the regulation to allow Pikeville to file the original and one copy of its responses to Staff's initial request for information is granted.
3. Pikeville's motion for use of electronic filing procedures is granted.

¹ 807 KAR 5:001, Section 8(2) provides as follows:

At least seven (7) days prior to the submission of its application, an applicant shall:
(a) File with the commission written notice of its election to use electronic filing procedures using the Notice of Election of Use of Electronic Filing Procedures form...

4. The electronic filing procedures set forth in 807 KAR 5:001, Section 8 shall be used in the processing of this matter.

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By the Commission

ENTERED
JUL 12 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

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