

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF MOUNTAIN	)	CASE NO.
WATER DISTRICT FOR A DECLARATORY	)	2020-00394
ORDER	)	

ORDER

This matter arises upon the application of Mountain Water District (Mountain District) filed December 15, 2020, for a declaratory order pursuant to 807 KAR 5:001, Sections 15 and 19, to clarify that the final Order in Case No. 2019-00080<sup>1</sup> eliminated the two-step rate and minimum bill provision in the wholesale rate charged by the city of Pikeville. The city of Pikeville (Pikeville) filed on January 4, 2021, a motion for intervention to which Mountain Water District filed a response on January 8, 2021. The Commission entered an Order on February 22, 2021, granting Pikeville intervention. Pikeville also filed on January 5, 2021, a motion for an extension of time and requested a procedural schedule; however, the Commission finds that motion is moot based upon Mountain District's filed response having no objection to the extension and Pikeville having filed its response to Mountain District's application on January 15, 2021. Further, the Commission does not find a basis to establish a procedural schedule as the Commission finds the application for a declaratory order should be granted.

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<sup>1</sup> Case No. 2019-00080, *Electronic Proposed Adjustment of the Wholesale Water Service Rates of the City of Pikeville to Mountain Water District* (Ky. PSC Dec. 19, 2019) (Rehearing granted in part and denied in part, Jan. 31, 2020).

Mountain District seeks a declaratory order that the rate approved in Case No. 2019-00080<sup>2</sup> is a flat \$1.97 per 1,000 gallons purchased without a minimum purchase requirement. The Commission finds that the December 19, 2019 Order in Case No. 2019-00080<sup>3</sup> thoroughly explained the issues presented to the Commission to consider and the minimum purchase requirement was not included for discussion of issues.<sup>4</sup> The December 19, 2019 Order approves the rate of \$1.97 per 1,000 gallons for all gallons sold to Mountain District. The Commission finds that the final Order in Case No. 2019-00080<sup>5</sup> does not contain a finding on the issue of a minimum purchase requirement, and therefore that portion of the contract was unchanged. The Commission further finds that the December 19, 2019 Order speaks for itself and to the extent that Mountain District requests clarification pursuant to 807 KAR 5:001, Section 19, the Commission finds that the Order does not make a ruling on the minimum purchase requirement contained in the contract between Mountain District and Pikeville.

IT IS HEREBY ORDERED that:

1. The January 5, 2021 motion of Pikeville is moot and therefore denied.
2. The application of Mountain District for a declaratory order is granted.
3. The final Order in Case No. 2019-00080 does not contain a determination regarding the minimum purchase requirement contained in the contract between Mountain District and Pikeville.
4. This case is closed and removed from the Commission's docket.

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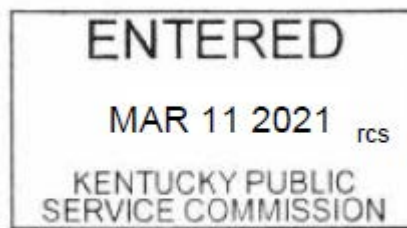
<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*, final Order (Ky. PSC Dec. 19, 2019) at 32.

<sup>5</sup> *Id.*, final Order (Ky. PSC Dec. 19, 2019).

By the Commission



ATTEST:

  
Executive Director

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