

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO LATE)	CASE NO.
PENALTY OF OHIO COUNTY WATER)	2021-00017
DISTRICT)	

ORDER

The Commission, initiated this investigation to review Ohio County Water District's (Ohio District) lack of a late payment penalty in its filed tariff. On December 23, 2020, and in response to the Commission's December 3, 2020 Order in Case Number 2020-00167,¹ Ohio District filed proposed tariff sheets.² Those tariff sheets contained additional charges that were not included in Ohio District's tariff sheets on file with the Commission prior to the issuance of the final Order in Case No. 2020-00167, and were not authorized in the December 3, 2020 Order. Specifically at issue is a late payment charge (and other nonrecurring charges) which Ohio District asserts were inadvertently omitted from a tariff filing in 2005 and have been the lawful and authorized rates for late fees and certain nonrecurring charges charged by Ohio District. Per KRS 278.260 and on its own motion the Commission will also review as part of this investigation Ohio District's proposed tariff revisions filed on December 23, 2020, and revised on December 31, 2020, that were either not included in the tariff currently on file with the Commission, or authorized in the December 3, 2020 Order. The Commission will investigate, *inter alia*, whether the late

¹ Case No. 2020-00167, *Electronic Application of Ohio County Water District for an Alternative Rate Adjustment* (Ky. PSC Dec. 3, 2020.)

² Ohio District, on December 31, 2020, filed corrections to the December 23, 2020 tariff filings.

payment penalty and other nonrecurring charges are the properly filed rates, as well as the reasonableness of those charges. Because there is a dispute as to whether or not these are filed rates, the Commission will not suspend these recurring rates, it will, however, direct that the tariff sheets of the rates in dispute, not be stamped effective. The tariff sheets in dispute, as well as the December 23 and December 31, 2020 cover letters filed with the tariff filing, are included as an Appendix to this Order.

Ohio District also proposed changes to the language concerning after hours. The language reads: “Regular work hours for the utility's Maintenance Staff is 8 am to 4 pm Monday through Friday, excluding holidays. Upon customer request, and subject to availability of maintenance staff, any services listed above performed outside of regular working hours will be charged at the Service Call/Investigation (After Hours) rate.” While it appears those changes may be nonmaterial changes to existing language, a question exists whether these changes are material to the existing language. The Commission, therefore, pursuant to KRS 278.190(2), will suspend this proposed change to Ohio District’s tariff for five months until the investigation in this case has been completed.

The expansion of the scope of this investigation is proper under the Commission’s authority. The Commission has plenary authority under KRS 278.040 to regulate the rates and services of jurisdictional utilities and to enforce the provisions of KRS Chapter 278.³ KRS 278.030 requires every utility to furnish “adequate, efficient and reasonable” service. KRS 278.260 permits the Commission, on its own motion, to investigate any act or practice of a utility that affects or is related to the service of a utility.

³ *Kentucky Public Service Com'n v. Commonwealth ex rel. Conway*, 324 S.W.3d 373, 383 (Ky. 2010).

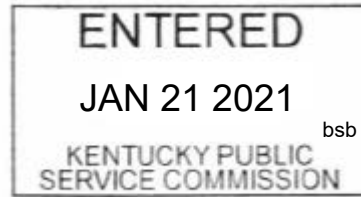
After conducting such an investigation and finding that a practice is unreasonable, unsafe, improper, or inadequate, KRS 278.280(1) further permits the Commission to determine the reasonable, safe, proper, or adequate practice or methods to be observed and to fix same by Order.

IT IS HEREBY ORDERED that:

1. The Commission will review as part of this investigation Ohio District's proposed tariff revisions as identified in this Order.
2. The Commission will suspend the proposed change to Ohio District's tariff regarding after hours work for five months.

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By the Commission



ATTEST:

A handwritten signature in blue ink that reads "Linda C. Rudwell". The signature is written in a cursive style and is positioned above a horizontal line.

Executive Director

Case No. 2021-00017

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00017 DATED JAN 21 2021



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December 23, 2020

Ms. Linda Bridwell, P.E.
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602-0615

Re: Case No. 2020-00167
Pendleton County Water District

Dear Ms. Bridwell:

Enclosed for filing are the tariff sheets containing the revisions directed in the Commission's Order of December 3, 2020 in the above-referenced case.

Because the tariff sheet filed in response to the Commission's Order of November 18, 2005 in Case No. 2005-00425 did not comply with 807 KAR 5:011 and thus rendered the tariff sheet void and without any legal effect, First Revised Sheet No. 7 reflects the charges in effect as of November 17, 2005, as expressly modified by the Commission in its Order of November 18, 2005 in Case No. 2005-00425 and its Order of December 3, 2020 in Case No. 2020-00167.

Please contact me if Commission Staff has any questions regarding this revision.

Sincerely,

Stoll Keenon Ogden PLLC

A handwritten signature in blue ink that reads "Gerald E. Wuetcher".

Gerald E. Wuetcher

GEW
Enclosure



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December 31, 2020

Ms. Linda Bridwell, P.E.
Executive Director
Kentucky Public Service Commission
P.O. Box 615
Frankfort, KY 40602-0615

Re: Case No. 2020-00167
Ohio County Water District

Dear Ms. Bridwell:

On December 23, 2020, Ohio County Water District filed tariff sheets containing the revisions directed in the Commission's Order of December 3, 2020 in the above-referenced case. It has since discovered errors in these sheets. Enclosed are corrected tariff sheets. I apologize for the errors and any confusion they may have created.

These tariff sheets reflect the revisions that the Commission ordered in Case No. 2020-00167. For the reasons set forth in its Application for Rehearing, Ohio District, the tariff sheets include all rates the Commission approved in its Order of February 26, 2001 in Case 2001-010 and that have not been modified or amended by subsequent Commission order. Ohio District takes the position that because the tariff sheet filed in response to the Commission's Order of November 18, 2005 in Case No. 2005-00425 did not comply with 807 KAR 5:011, it was void and without any legal effect and did not affect any charges approved in the Commission's Order of February 26, 2001 and not expressly addressed in the Order of November 18, 2005.

Sincerely,

Stoll Keenon Ogden PLLC

A handwritten signature in blue ink that reads "Gerald E. Wuetcher".

Gerald E. Wuetcher

GEW
Enclosure

AREA Ohio County & Adjoining Counties

PSC KY NO. 1

1st Revised SHEET NO. 7

Ohio County Water District
(NAME OF UTILITY)

CANCELLING PSC KY NO. 1

Original SHEET NO. 7

D. Special Non-Recurring Charges

Connection/Turn-on Charge	\$25.21	(R)
Meter Re-read Charge	\$25.21	(R)
Meter Test Charge (5/8-Inch Meter)	\$45.43	(R)
Meter Test Charge (1-Inch Meter)	Actual Cost	
Meter Relocation Charge	Actual Cost	
Field Collection Charge	\$20.00	
Re-Connection Charge	\$45.43	(R)
Service Call/Investigation	\$25.21	(R)
Service Call/Investigation (After Hours)	\$52.99	(I)
Late Payment Fee	10%	
Returned Check Fee	\$25.00	

Note: Regular work hours for the utility's Maintenance Staff is 8:00 a.m. to 4:00 pm Monday through Friday, excluding holidays. Upon customer request, and subject to availability of maintenance staff, any services listed above performed outside of regular working hours will be charged at the Service Call/Investigation (After Hours) rate. (T)

DATE OF ISSUE December 23, 2020
MONTH / DATE / YEAR

DATE EFFECTIVE December 3, 2020
MONTH / DATE / YEAR

ISSUED BY /s/ Walt Beasley
SIGNATURE OF OFFICER

TITLE General Manager

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. 2020-00167 DATED December 3, 2020

AREA Ohio County & Adjoining Counties

PSC KY NO. 1

1st Revised SHEET NO. 16

Ohio County Water District
(NAME OF UTILITY)

CANCELLING PSC KY NO. 1

Original SHEET NO. 16

E. Special Non-Recurring Charges:

1. The utility will collect for special nonrecurring charges to recover customer-specific costs incurred which would otherwise result in monetary loss to the utility or increased rates to other customers to whom no benefits accrue from the service provided or action taken. The utility may establish or change any special nonrecurring charge by applying for Public Service Commission approval of such charge in accordance with the provisions of 807 KAR 5:011, Section 10.
2. Special nonrecurring charges will be applied uniformly throughout the area served by the utility. Such charges will relate directly to the service performed or action taken and only yield enough revenue to pay the expenses incurred in rendering the service.
3. The utility will assess a charge for the following non-recurring services:
 - a) Connection/Turn-on Charge: Will be assessed for new service turn-ons, seasonal turn-ons, temporary service, or transfer of service. The charge will not be made for initial installation of service where a meter connection/tap-on charge is applicable.
 - b) Field Collection Charge: Will be assessed when a utility representative visits the premises of the service connection to terminate service, and the customer is on-site and pays the bill to avoid termination of service. This fee may only be charged once per billing period.
 - c) Late Payment Penalty: Will be assessed on the delinquent amount of the bill, less taxes. Pursuant to 807 KAR 5:006 Section 9(3)(h), a penalty may be assessed only (T) once on any bill for rendered services.

DATE OF ISSUE December 23, 2020
MONTH / DATE / YEAR

DATE EFFECTIVE December 3, 2020
MONTH / DATE / YEAR

ISSUED BY /s/ Walt Beasley
SIGNATURE OF OFFICER

TITLE General Manager

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. 2020-00167 DATED December 3, 2020

AREA Ohio County & Adjoining Counties

PSC KY NO. 1

1st Revised SHEET NO. 13

Ohio County Water District
(NAME OF UTILITY)

CANCELLING PSC KY NO. 1

Original SHEET NO. 13

3. Meter readings. Registration of each meter shall read in the same units as used for billing unless a conversion factor is shown on the billing form.

4. Frequency of meter reading. Unless prevented by reasons beyond the utility's control, meter readings will be taken every month. Records will be kept by the utility to insure that this information is available to Public Service Commission staff and any customer requesting this information. If, due to reasons beyond its control, the utility is unable to read a meter in accordance with this subsection, the utility will record the date and time the attempt was made, if applicable, and the reason the utility was unable to read the meter.

5. Related Information.

a) Bills and notices related to the utility's business will be mailed to the customer at the address listed on the Water Service Contract unless a change of address has been filed with the utility in writing. The utility will not otherwise be responsible for delivery of any bill or notice nor will the customer be excused from the payment of any bill or any performance required in the notice.

b) Water service will be billed monthly and mailed on or about the 25th of each month.

c) Bills are payable and due on the date of issuance. Payment must be received, not postmarked, before the close of business on the 10th day of the following month; otherwise, the delinquent bill will be assessed the late payment penalty approved and on-file with the Public Service Commission

d) The late payment penalty will be assessed on the delinquent amount of the bill, less taxes and any prior penalty amounts. Pursuant to 807 KAR 5:006, Section 9(3)(h), (T) a penalty may be assessed only once on any bill for rendered services. Delinquent bills may result in disconnection of service with the utility applying the customer's deposit against the unpaid bill. The customer shall be given at least 5 days written notice of termination, and at least 20 days shall have passed issuance of the original bill.

DATE OF ISSUE December 23, 2020
MONTH / DATE / YEAR

DATE EFFECTIVE December 3, 2020
MONTH / DATE / YEAR

ISSUED BY /s/ Walt Beasley
SIGNATURE OF OFFICER

TITLE General Manager

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION

IN CASE NO. 2020-00167 DATED December 3, 2020

*Ohio County Water District
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P. O. Box 207
Hartford, KY 42347

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