

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BLUEGRASS	)	CASE NO.
GAS SALES, INC. FOR A RATE ADJUSTMENT	)	2021-00483
PURSUANT TO 807 KAR 5:076	)	

ORDER

This matter arises on Bluegrass Gas Sales, Inc.'s (Bluegrass) June 16, 2022 amended application, tendered pursuant to 807 KAR 5:076, that requested to adjust its gas service rates.<sup>1</sup> The tendered application included notice of the amended proposed rates provided to customers in accordance with 807 KAR 5:076, Section 5. The Commission notified Bluegrass by letter dated June 30, 2022, that its application was rejected for failure to satisfy the minimum filing requirements set forth in certain Commission regulations. Bluegrass subsequently cured the filing deficiencies and its application was deemed filed as of July 13, 2022.

LEGAL STANDARD

Commission regulation 807 KAR 5:076, Section 8(1) provides that an application for an alternative rate adjustment (ARF) shall not be amended unless the applicant files written notice of the proposed amendment with the Commission and publishes notice of the amended proposed rates in accordance with 807 KAR 5:076, Section 5. Further, 807 KAR 5:076, Section 8(2) states that an applicant shall not place the amended proposed

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<sup>1</sup> The original application was deemed filed January 18, 2022, and a procedural schedule was issued on January 25, 2022.

rates into effect until the Commission has issued an Order approving the rates or six months from the date of filing of the written notice proposed amendment, whichever occurs first.

### DISCUSSION AND FINDINGS

As an initial matter, the Commission finds that Bluegrass satisfied the requirements to amend an ARF application because Bluegrass provided notice of the amendment in the form of the amended application and provided notice to customers as required by 807 KAR 5:076, Section 5.

Pursuant to 807 KAR 5:076, Section 11, the Commission states that a staff report will not be issued in this proceeding. This is because the information needed to render a decision in this case will be obtained through the application and Commission Staff's Requests for Information. Bluegrass or any party to this proceeding may request a formal hearing pursuant to the procedural schedule appended to this Order.

Because the amended application is deemed filed on July 13, 2022, the Commission finds that an amended procedural schedule<sup>2</sup> must be issued to ensure the orderly review of Bluegrass's application. The procedural schedule is attached as an Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. Bluegrass's application to amend its alternative rate filing is granted.
2. Bluegrass's application is deemed filed as of July 13, 2022.

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<sup>2</sup> No action is necessary to suspend the effective date of Bluegrass's proposed rates for service. Pursuant to 807 KAR 5:076, Section 8(2), an applicant who files an amended application for a rate adjustment pursuant to the procedures set for in 807 KAR 5:076 may not place its proposed rates into effect until the Commission approves those rates or six months from the date of the filing of its amended application.

3. The procedural schedule established on January 25, 2022, is stricken and replaced with the procedural schedule attached as an Appendix to this Order.

4. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085<sup>3</sup> regarding filings with the Commission.

5. If a party requests a hearing or informal conference, then the party shall make the request in writing and state the reason why a hearing or informal conference is necessary.

6. A party's failure to request a hearing or informal conference shall be deemed a waiver of all rights to a hearing on the application and a request that the case stand submitted for decision.

7. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding that is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented or the issues and facts the person will present that will assist the Commission in fully

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<sup>3</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

considering the matter. A mere recitation of the quantity of gas consumed by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest. In addition, any motion to intervene filed after the date established in the procedural schedule attached as an Appendix to this Order shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

8. Bluegrass shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, [psc.ky.gov](http://psc.ky.gov)"; and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listed on the PSC website, [psc.ky.gov](http://psc.ky.gov)." At the time publication is requested, Bluegrass shall forward a duplicate of the notice and request to the Commission.

9. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

10. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

11. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

12. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

PUBLIC SERVICE COMMISSION

*Mark Call*  
Chairman

Vice Chairman

*by KAC  
w/permission*  
*Mary Pat Regan*  
Commissioner

ENTERED  
JUL 18 2022 rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

*Sinda C. Bridwell*  
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2021-00483 DATED JUL 18 2022

- Requests for intervention shall be filed no later than.....07/26/2022
  
- All requests for information to Bluegrass  
shall be filed no later than ..... 08/02/2022
  
- Bluegrass shall file responses to requests  
for information no later than ..... 08/16/2022
  
- All supplemental requests for information to  
Bluegrass shall be filed no later than..... 08/30/2022
  
- Bluegrass shall file responses to supplemental  
requests for information no later than ..... 09/14/2022
  
- A request for a formal hearing or statement  
that this case may be submitted based on  
the existing record shall be filed no later than.....09/28/2022

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