

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF MOUNTAIN)	CASE NO.
WATER DISTRICT FOR A GENERAL)	2022-00366
ADJUSTMENT OF WATER RATES)	

ORDER

On February 18, 2023, Mountain Water District (Mountain District) submitted an application seeking a general adjustment of its water rates based on a historical test year and approval to implement a water infrastructure improvement surcharge. The application proposed that the new rates become effective on March 20, 2023.

By letter dated February 22, 2023, the Commission notified Mountain District that its application had been rejected for filing deficiencies. Mountain District filed a response and revised application on February 23, 2023. Mountain District also filed a motion for deviation on February 23, 2023, requesting that the Commission permit Mountain District to deviate from the procedural requirements of Commission regulation 807 KAR 5:001E, Section 17(2)(b)(3) and allow Mountain District to publish its notice in the *Appalachian News-Express* once per week for two consecutive weeks rather than three consecutive weeks. By separate Order, the Commission granted Mountain District's motion for deviation and deemed the application filed as of February 23, 2023.

Pursuant to KRS 278.180(1), no change in utility rates is permitted except upon 30 days' notice to the Commission. Therefore, since the application was accepted for filing as of February 23, 2023, the earliest date that Mountain District's proposed rates

can be effective is March 25, 2023. Having reviewed Mountain District's application, the Commission finds that an investigation will be necessary to determine the reasonableness of the proposed rates and that an investigation cannot be completed by March 25, 2023. Therefore, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed rates for five months, up to and including August 24, 2023.

The Commission further finds that a procedural schedule should be established for the orderly processing of this case. The procedural schedule is attached as an Appendix to this Order and is incorporated herein.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001E, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. Mountain District's proposed rates are suspended for five months, up to and including August 24, 2023.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.

3. Mountain District shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001E, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission.

5. As set forth in 807 KAR 5:001E, 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. 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 that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service 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

¹ 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).

established in the procedural schedule 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.

6. Mountain District shall give notice of any scheduled hearing in accordance with the provisions set forth in 807 KAR 5:001E, 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”; 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 listing on the PSC website, psc.ky.gov.” At the time publication is requested, Mountain District shall forward a duplicate of the notice and request to the Commission.

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

8. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001E, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

9. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

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

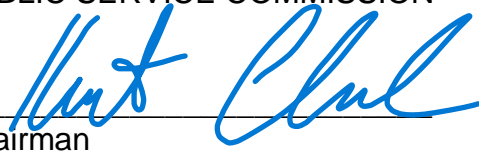
11. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

12. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

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

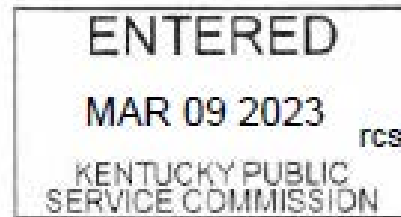
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PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2022-00366 DATED MAR 09 2023

Last day for intervention requests to be accepted..... 03/20/2023

All initial intervenor requests for information to Mountain District
shall be filed no later than 03/27/2023

Mountain District shall file responses to initial intervenor requests for
information no later than..... 04/10/2023

All supplemental requests for information to Mountain District
shall be filed no later than 04/24/2023

Mountain District shall file responses to supplemental requests
for information no later than 05/08/2023

Intervenor testimony, if any, in verified prepared
form shall be filed no later than 05/15/2023

All requests for information to Intervenors shall
be filed no later than 05/30/2023

Intervenors shall file responses to requests for
information no later than..... 06/13/2023

Mountain District shall file, in verified form, its rebuttal
testimony no later than 06/27/2023

Public Hearing to be held in the Richard Raff Hearing Room
at the offices of the Public Service Commission at 211 Sower
Boulevard, Frankfort, Kentucky, for the purpose of cross-
examination of witnesses of Mountain District and Intervenors To be scheduled

Post-Hearing Briefs, if any To be scheduled

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