

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PURCHASED GAS ADJUSTMENT)	CASE NO.
FILING OF NAVITAS KY NG, LLC)	2024-00184

ORDER

On July 3, 2024, Navitas KY NG, LLC (Navitas KY) filed its quarterly Gas Cost Recovery (GCR) rate report with a proposed effective date of August 1, 2024. Navitas KY did not provide the Commission with 30 days' notice, pursuant to KRS 278.180(1), required for its rates to be effective August 1, 2024. The earliest the proposed GCR rates could be effective is August 2, 2024, which is 30 days after the filing of GCR rate report.

In Case No. 2023-00428, Navitas KY filed a quarterly GCR rate report with a proposed effective date of February 4, 2024.¹ On January 22, 2024, Commission Staff issued a request for information, and a response was filed by Navitas KY on January 29, 2024. By Commission Order issued on February 2, 2024, Navitas KY's proposed GCR rates were suspended for five months, up to and including July 3, 2024, for the purpose of investigating the proposed GCR rate and the expenses included within the proposed GCR rate report. Since Case No. 2023-00428 is an ongoing proceeding, the Commission's final Order in that case may impact any subsequent GCR rate reports filed by Navitas KY.

¹ Case No. 2023-00428, *Electronic Purchased Gas Adjustment Filing of Navitas KY NG, LLC* (filed Jan. 5, 2024), Quarterly Purchase Gas Cost Adjustment Filing.

KRS 278.030 provides that a utility may collect fair, just and reasonable rates and that the service it provides must be adequate, efficient and reasonable. Having reviewed the proposed GCR rate report and being otherwise sufficiently advised, the Commission finds that a final Order in Case No. 2023-00428 cannot be completed before August 2, 2024.

Therefore, pursuant to KRS 278.190(2), the Commission will suspend the effective date of the proposed GCR rates for five months, up to and including January 2, 2025, to give the Commission time to investigate the proposed GCR rates and to come to a decision on the record in Case No. 2023-00428. Navitas KY's previous GCR rate approved by the Commission in Case No. 2023-00325² should remain in effect. The Commission finds that any under- or over- collection that may have occurred due to the missing updated GCR quarters will be accounted for following the closure of Case No. 2023-00428.

The Commission directs Navitas KY to the Commission's July 22, 2021 Order in Case No. 2020-00085³ in which the Commission mandated the use of electronic filing procedures listed in 807 KAR 5:001, Section 8. The Commission finds that electronic filing procedures should be used, consistent with the filing procedures set forth in Case No. 2020-00085.

² Case No. 2023-00325, *Electronic Purchased Gas Adjustment Filing of Navitas KY NG, LLC* (Ky. PSC Oct. 30, 2023).

³ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID19* (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).

IT IS THEREFORE ORDERED that:

1. Navitas KY's proposed GCR rates are suspended for five months, up to and including January 2, 2025.

2. If Navitas KY files notice of its intention to place the proposed GCR rates into effect after the end of the suspension period, Navitas KY shall maintain its records in such manner as will allow it, the Commission, or any customer to determine the amounts to be refunded and to whom in the event a refund is ordered upon final resolution of this matter.

3. Navitas KY shall respond to all requests for information propounded by Commission Staff as provided in those requests.

4. 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, which 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 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 the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

5. Navitas KY 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 the hearing shall include the following statements: “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 listed on the PSC website, psc.ky.gov.” At the time publication is requested, Navitas KY shall forward a duplicate of the notice and request to the Commission.

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

7. 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 5:001, 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.

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

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

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

11. 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.

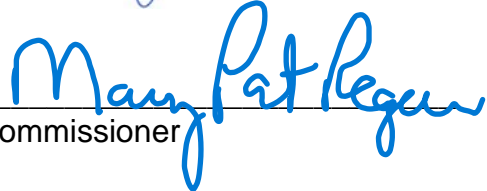
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PUBLIC SERVICE COMMISSION

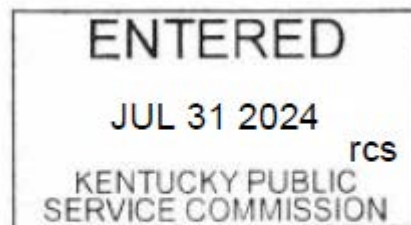
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