

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF KENTUCKY-AMERICAN WATER COMPANY FOR A REVISION OF ITS QUALIFIED INFRASTRUCTURE PROGRAM CHARGE)	CASE NO.
)	2024-00272
)	
)	

ORDER

This matter arose from Kentucky-American Water Company's (Kentucky-American) motion to deviate from the customer notice requirements of 807 KAR 5:011, Section 8(2).

BACKGROUND

On August 30, 2024, Kentucky-American filed an application to revise its Qualified Infrastructure Program (QIP) Rider charge and requested an informal conference (IC).¹ On October 14, 2024, Kentucky-American filed its notice of proof of publication and a motion to deviate (motion).² The Commission entered an Order on October 29, 2024, granting the IC. An IC was held on October 30, 2024.

MOTION

In its motion, Kentucky-American stated that, prior to the filing of its application, it requested Kentucky Press Service, Inc. (Kentucky Press)³ to publish its notice of the

¹ Application.

² Kentucky-American's Notice of Proof of Publication and Motion to Deviate (motion) (filed October 14, 2024).

³ Kentucky Press is an organization that acts on behalf of newspapers of general circulation throughout the Commonwealth of Kentucky.

application for three consecutive weeks beginning no later than August 30, 2024, in the 14 newspapers serving Kentucky-American's service territory.⁴ The motion noted that there were publication issues with three newspapers: *McKee Jackson County Sun*, *Versailles Woodford Sun*, and *Mt. Vernon Signal*. The *McKee Jackson County Sun* did not publish its first notice until September 4, 2024.⁵ The *Versailles Woodford Sun* published notice on August 29, 2024, and September 5, 2024, but failed to publish a third consecutive notice on September 12, 2024, and instead published a third notice on September 19, 2024.⁶ Lastly, due to an error by Kentucky Press, notice was published in the *Mt. Sterling Advocate* instead of the *Mt. Vernon Signal*.⁷ Once the error was realized, Kentucky Press published notice in the *Mt. Vernon Signal* for three consecutive weeks on September 26, October 3, and October 10, 2024.⁸ Kentucky-American stated that, in addition publishing notice of the application in newspapers of general circulation, it also posted the full customer notice for public inspection at its offices and on its website.⁹

Kentucky-American argued that the purpose of the notice regulation is to ensure that the public has sufficient notice of the application.¹⁰ Kentucky-American further stated that it substantially complied with the regulation, notice was published in each county

⁴ Motion at 1.

⁵ Motion at 1. *McKee Jackson County Sun* also published on September 11 and 18, 2024 for a total of three consecutive weeks.

⁶ Motion at 2.

⁷ Motion at 2.

⁸ Motion at 2.

⁹ Motion at 2.

¹⁰ Motion at 3.

three times, and was supplemented by being posted in Kentucky-American's offices and website.

LEGAL STANDARD

Commission regulation 807 KAR 5:011, Section 8(2)(b)(3), states that a utility shall provide notice by publishing notice once a week for three consecutive weeks in a prominent manner in a newspaper of general circulation in the utility's service area, the first publication to be made no later than the date the tariff filing is submitted to the Commission.

Commission regulations 807 KAR 5:001, Section 22, and 807 KAR 5:011, Section 15, permits the Commission the ability to grant deviations upon a showing of good cause.

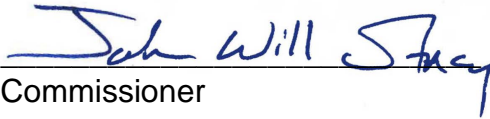
DISCUSSION AND FINDINGS

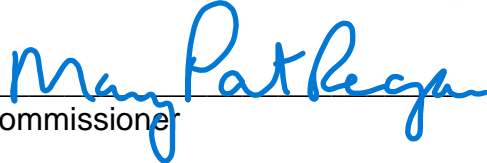
Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that Kentucky-American has provided good cause to deviate from the notice requirements of 807 KAR 5:011, Section 8(2). Kentucky-American requested publication of notice in a timely manner. While there was a delay in notice, all customers received notice and the delay in notice was not a result of Kentucky-American's actions. For this reason, the Commission finds that Kentucky-American substantially complied with the notice requirement and that a deviation should be granted.

IT IS THEREFORE ORDERED that Kentucky-American's motion for a deviation from the notice requirements of 807 KAR 5:011, Section 8(2), is granted.

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ENTERED
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KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


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