

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF THE CITY OF)	
AUGUSTA TO INCREASE THE WHOLESALE)	CASE NO.
WATER RATE CHARGED TO BRACKEN)	2024-00349
COUNTY WATER DISTRICT)	

ORDER

This matter arises upon the motion of the Bracken County Water District (Bracken District), filed November 27, 2024, for full intervention. As a basis for its motion, Bracken District stated that it purchases the majority of its water from city of Augusta (Augusta)¹ and that the 2016 contract between Bracken District and Augusta (collectively, the Parties) is controlling as it relates to the wholesale water rates and how adjustments are made and calculated between the Parties.²

LEGAL STANDARD

The Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General), has the statutory right to intervene in Commission cases pursuant to KRS 367.150(8)(b). With limited exception, intervention by all others is permissive and within the sole discretion of the Commission.³

¹ Motion of Bracken County Water District (“BCWD”) to Intervene Pursuant to 807 KAR 5:001(4)(11) and Order of the Commission (Dated 11-24-24 [sic]) (filed Nov. 27, 2024) at 2.

² Motion of Bracken County Water District (“BCWD”) to Intervene Pursuant to 807 KAR 5:001(4)(11) and Order of the Commission (Dated 11-24-24 [sic]) (filed Nov. 27, 2024) at 2.

³ KRS 164.2807.

The regulatory standard for permissive intervention, set forth in 807 KAR 5:001, Section 4, is twofold. Commission regulation 807 KAR 5:001, Section 4(11), requires a person to set forth in the motion to intervene either (1) a special interest in the proceeding that is not otherwise adequately represented in the case, or (2) that 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.

DISCUSSION AND FINDINGS

Based on a review of the pleadings at issue and being otherwise sufficient advised, the Commission finds that Bracken District has demonstrated that it has a special interest in the proceeding over which the Commission has jurisdiction that is not otherwise adequately represented. Bracken District is also likely to present issues or develop facts that will assist the Commission in considering this matter without unduly complicating or disrupting the proceedings for the reasons discussed below.

Augusta is specifically seeking to increase the wholesale water rate charged to Bracken District.⁴ Bracken District meets the special interest prong of the legal standard as Bracken District would be uniquely impacted by the increased wholesale rate. Additionally, their 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.

Based on the above, the Commission finds that Bracken District should be granted full rights of a party in this proceeding. The Commission directs Bracken District to the

⁴ Augusta Tariff Filing (filed Oct. 29, 2024).

Commission's July 22, 2021, Order in Case No. 2020-00085⁵ regarding filings with the Commission.

IT IS HEREBY ORDERED that:

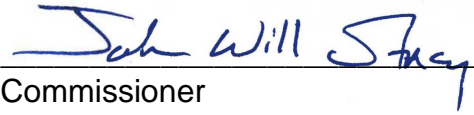
1. Bracken District's motion to intervene is granted.
2. Bracken District is entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by Parties after the date of this Order.
3. Bracken District shall comply with all provisions of the Commission's regulations, 807 KAR 5:001, Section 8, related to the service and electronic filing of documents.
4. The Parties shall adhere to the procedural schedule set forth in the Commission's November 19, 2024, Order and as amended herein and attached as an Appendix.
5. Pursuant to 807 KAR 5:001, Section 8(9), within seven days of service of this Order, Bracken District shall file a written statement with the Commission that:
 - a. Certifies that it, or its agent, possesses the facilities to receive electronic transmissions; and
 - b. Sets forth the electronic mail address to which all electronic notices and messages related to this proceeding shall be served.

⁵ 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).

PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:



Executive Director

ENTERED
DEC 27 2024 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00349 DATED DEC 27 2024

Intervenors shall file initial requests for information to Augusta no later than.....01/08/2025

Augusta shall file responses to Commission Staff's First Requests for information no later than01/09/2025

Augusta shall file responses to Intervenor's Initial requests for information no later than.....01/16/2025

All supplemental requests for information to Augusta shall be filed no later than.....01/23/2025

Augusta shall file responses to supplemental requests for information no later than02/06/2025

Intervenor testimony, if any, in verified prepared form shall be filed no later than..... 02/14/2025

All requests for information to Intervenors shall be filed no later than..... 02/28/2025

Intervenors shall file responses to requests for information no later than..... 03/12/2025

Augusta shall file, in verified form, its rebuttal testimony no later than..... 03/19/2025

The Parties shall request either a hearing or that the case be submitted for decision based on the record no later than..... 03/26/2025

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