

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC TARIFF FILING OF EAST CASEY)	
COUNTY WATER DISTRICT TO REVISE THE)	CASE NO.
CUSTOMER BILL DUE DATE AND ADD)	2025-00155
CREDIT/DEBIT CARD PAYMENT LANGUAGE TO)	
ITS TARIFF)	

ORDER

On May 1, 2025, East Casey County Water District (East Casey District) filed a tariff to revise customer bill due dates and to add language to its tariff pertaining to credit/debit card payments. East Casey District proposed an effective date of June 1, 2025. By Order issued on May 29, 2025, the Commission approved East Casey District's proposed credit/debit card payment provision for service rendered on and after June 1, 2025, but suspended the proposed change to the customer bill due date for five months, up to and including October 31, 2025, to investigate its reasonableness.¹

Commission Staff issued a request for information (Staff's First Request) on June 20, 2025.² East Casey District responded on July 3, 2025, with substantive responses and a motion for informal conference and an extension of time.³ The Commission issued an Order granting the motion for scheduling an informal conference and the motion for an

¹ Order (Ky. PSC May 29, 2025) at 2-8.

² Commission Staff's First Request for Information (issued June 20, 2025).

³ East Casey District's Response to Commission Staff's First Request for Information (Staff's First Request) and Motion for an Informal Conference and an Extension of Time (filed July 3, 2025).

extension of time on July 22, 2025.⁴ A virtual informal conference between Commission Staff, and counsel and representatives from East Casey District was held on July 23, 2025.

East Casey District submitted a supplemental response to Staff's First Request, Item 4, on July 24, 2025, that included proposed tariff language revisions to its original tariff proposal, which are included as Appendix C to this Order.⁵ No effective date was requested for the proposed tariff language revisions. Lastly, a memorandum memorializing what was discussed at the informal conference along with the informal conference attendance list was filed into the record on July 29, 2025.⁶ As of the date of this Order, no comments have been entered regarding the informal conference memorandum or informal conference attendance list.

BACKGROUND

East Casey District's current tariff on file with the Commission requires that customer payments be received before the close of business on the 20th day from the date of bill issue.⁷ If payment is received after this date, the customer is assessed a late payment penalty charge that equates to 10 percent of the delinquent amount of the bill, less taxes and any prior penalty amounts.⁸ East Casey District's originally proposed revisions to its tariff language regarding the late payment penalty charge that would

⁴ Order (Ky. PSC July 22, 2025).

⁵ Supplemental Response to Staff's First Request, Item No. 1-4 and Supplemental Attachment 1-4, Proposed Tariff Sheets (filed July 24, 2025).

⁶ Informal Conference Memorandum and Attendance List (filed July 29, 2025).

⁷ East Casey District's Tariff, PSC KY NO. 1, Original Sheet No. 13.

⁸ East Casey District's Tariff, PSC KY NO. 1, 2nd Revised Sheet No. 7 and Original Sheet No. 13.

require customer payments be received before the close of business on the 10th day from the date of bill issuance.⁹ When Commission Staff asked why East Casey District requested to modify its tariff language to change the bill due date from the 20th day from the date of bill issuance to the 10th day from the date of bill issuance, it was indicated that East Casey District's actual, current practice, requires customer payments to be received before the close of business on the 10th day from the date of bill issuance to avoid the late penalty.¹⁰

In response to this information, the Commission opened this investigation. In its response to Staff's First Request, Item 4, East Casey District stated, "[h]owever, East Casey District acknowledges that its long-standing practice of assessing Late Payment Charges prior to the 20th day following the issuance of the bill is not in accordance with its tariff on file with the Commission."¹¹ Furthermore, East Casey District, in its response to Staff's First Request and during the informal conference, proposed to change its originally tendered tariff language to reflect its actual practice of issuing bills on or about the last day of the month and to change its originally proposed tariff language to require payment before close of business on the 20th day of the month following the month the bill was issued.¹² Accordingly, after the informal conference was held, East Casey District submitted a supplemental response to Staff's First Request, Item 4, and proposed revised tariff language reflecting what was discussed in the informal conference.

⁹ East Casey District's Tariff, PSC KY NO. 1, 1st Revised Sheet No. 13.

¹⁰ Order (Ky. PSC May 29, 2025), Appendix B.

¹¹ East Casey District's Response to Staff's First Request, Item 4.

¹² East Casey District's Response to Staff's First Request, Item 4.

LEGAL STANDARD

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. KRS 278.160(2) provides that “No utility shall charge, demand, collect, or receive from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed schedules, and no person shall receive any service from any utility for a compensation greater or less than that prescribed in such schedules.”

A utility is required to file with the Commission a schedule showing all rates and conditions for service established by it and collected and enforced.¹³ Consistent with Commission precedent and KRS 278.160, any utility that over collects from its customers because the utility charged a higher rate than authorized by the Commission, must refund customers for the over collection of rates.¹⁴

DISCUSSION AND FINDINGS

Based upon a review of the tariff filing and being otherwise sufficiently advised, the Commission finds that East Casey District’s proposed language relating to its late payment penalty fee practices, as revised and later modified, by East Casey District is fair, just and reasonable and as such, the tariff should be accepted. The revised language retains the requirement that customer payments be received before the close of business on the 20th day from the date of bill issuance but provides more clarity regarding how payments are treated if a bill due date falls on a holiday or weekend. Additionally,

¹³ KRS 278.160(1)-(2).

¹⁴ See Case No. 2020-00396, *Electronic Application of Navitas KY NG, Johnson County Gas Company, and B & H Gas Company for Approval of Acquisition, Transfer of Ownership, and Control of Natural Gas Utility Systems* (Ky. PSC Feb. 1, 2021).

language has been added for clarity regarding when East Casey District issues its customer bills each month.

Regarding East Casey District's billing practices evidenced in the record, KRS 278.160(1) requires a utility, such as East Casey District, to file its schedules for rates and conditions for service with the Commission. KRS 278.160(2) prohibits a utility, such as East Casey District, from charging or collecting fees other than what is set forth in its schedule, or tariff, on file with the Commission. As discussed above, East Casey District authorized a late payment penalty fee be assessed upon a customer bill if payment was not received prior to the 20th day from the date of bill issuance. As a result, East Casey District was not authorized, and thus, should not have assessed late payment penalty fees to customers that submitted utility bill payments after the 10th day from the date of bill issuance, but before the 20th day from the date of bill issuance.

Because East Casey District stated that its current practice was to assess a late payment penalty fee to customers that submitted utility bill payments after the 10th day from the date of bill issuance, the Commission finds it necessary to continue this investigation into the size and scope of previous potential customer overpayments. Accordingly, due to the nature and potential scope of the continuing investigation, the Commission, on its own motion, finds that the procedural schedule established on May 29, 2025, should be amended to afford both Commission Staff and East Casey District additional time to prepare and respond to additional requests for information. The amended procedural schedule is attached as Appendix A to this Order.

Further, the Commission finds that East Casey District shall respond to Commission Staff's Second Request for Information attached to this Order as Appendix B

by the date set forth on the request and shall respond to any future requests for information propounded by Commission Staff by the date or dates set forth on any such requests.

IT IS THEREFORE ORDERED that:

1. East Casey District's proposed tariff language attached as Appendix C to this Order, is accepted to be effective for service rendered as of September 1, 2025.

2. Within 20 days of the date of service of this Order, East Casey District shall file with the Commission, using the Commission's electronic Tariff Filing System, a revised tariff sheet setting forth the billing and late payment policy and reflecting the effective date and that the policy was authorized by this Order.

3. The procedural schedule established on May 29, 2025, is amended.


4. The amended procedural schedule set forth in Appendix A to this Order shall be followed.


5. East Casey District shall respond to Commission Staff's Second Request for Information as provided in Appendix B attached to this Order.


6. East Casey District shall respond to any additional requests for information propounded by Commission Staff, as provided in those requests.

7. All provisions of the Commission's May 29, 2025 Order that are not in conflict with this Order shall remain in effect.

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00155 DATED AUG 27 2025

East Casey District shall file responses to supplemental requests
for information no later than..... 12/03/2025

All additional supplemental requests for information to
East Casey District shall be filed no later than..... 12/17/2025

East Casey District shall file responses to additional supplemental
Requests for information no later than..... 01/14/2026

East Casey District shall request either a
hearing or that the case be submitted for decision
based on the record no later than..... 02/04/2026

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2025-00155 DATED AUG 27 2025

COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO EAST CASEY COUNTY WATER DISTRICT

East Casey County Water District (East Casey District), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on December 3, 2025. The Commission directs East Casey District to the Commission's July 22, 2021 Order in Case No. 2020-00085¹⁵ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

East Casey District shall make timely amendment to any prior response if East Casey District obtains information that indicates the response was incorrect or incomplete

¹⁵ 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).

when made or, though correct or complete when made, is now incorrect or incomplete in any material respect.

For any request to which East Casey District fails or refuses to furnish all or part of the requested information, East Casey District shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied and scanned material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, East Casey District shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. For the period of June 2020 through June 2025 provide by month, in Excel spreadsheet format with all formulas, columns, and rows unprotected and fully accessible, a list of customers whose payment was received after the 10th day from the date of bill issue but before the 20th day from the date of bill issue. The list should include the customer account number, the date payment was made, and the amount of the late payment charge assessed in each instance.

APPENDIX C

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00155 DATED AUG 27 2025

TWO PAGES TO FOLLOW

AREA Entire Service Area

PSC KY NO. 1

1st Revised SHEET NO. 12

East Casey County Water District
(NAME OF UTILITY)

CANCELLING PSC KY NO. 1

Original SHEET NO. 12

RULES AND REGULATIONS

- c) By mailing it to each customer once each year.
 - d) By providing a place on each bill where a customer may request a copy of the applicable rates. The utility will mail the customer a copy by return first class mail.
- 2. Bill format. A copy of the utility's billing form will be included in the utility's tariff.
- 3. Meter readings. Registration of each meter shall read in the same units as used for billing unless a conversion factor is shown on the billing form.
- 4. Frequency of meter reading. Unless prevented by reasons beyond the utility's control, meter readings will be taken every month. Records will be kept by the utility to ensure that this information is available to Public Service Commission staff and any customer requesting this information. If, due to reasons beyond its control, the utility is unable to read a meter in accordance with this subsection, the utility will record the date and time the attempt was made, if applicable, and the reason the utility was unable to read the meter.
- 5. Related Information.
 - a) Bills and notices related to the utility's business will be mailed to the customer at the address listed on the Water Service Contract unless a change of address has been filed with the utility in writing. The utility will not otherwise be responsible for delivery of any bill or notice nor will the customer be excused from the payment of any bill or any performance required in the notice.
 - b) Bills for water service will be issued on or about the last day of the month. (T)
 - c) Bills are payable and due on the date of issuance.

DATE OF ISSUE 7/23/25
MONTH / DATE / YEAR

DATE EFFECTIVE
MONTH / DATE / YEAR

ISSUED BY /s/Andy Greynolds
SIGNATURE OF OFFICER

TITLE Manager

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE
COMMISSION IN CASE NO. DATED

AREA Entire Service Area

PSC KY NO. 1

2nd Revised SHEET NO. 13

East Casey County Water District
(NAME OF UTILITY)

CANCELLING PSC KY NO. 1

1st Revised SHEET NO. 13

RULES AND REGULATIONS

- d) Payment must be received, not postmarked, before the close of business on the 20th day of the month following the month in which the bill was issued; otherwise, the delinquent bill will be assessed the Late Payment Penalty approved and on-file with the Public Service Commission. If the 20th day of the month occurs on a holiday or weekend, payment must be received before close of business on the next business day or be subject to the Late Payment Penalty. (T)
- e) The late payment penalty will be assessed on the delinquent amount of the bill, less taxes and any prior penalty amounts. Pursuant to 807 KAR 5:006 Section 9 (3)(h), a penalty may be assessed only once on any bill for rendered services.
- f) Customers may make payment by credit or debit card in person at the District's office or by telephone. If payment by credit or debit card is attempted and declined, the customer's obligation to pay the bill amount on the due date remains unchanged. Credit card payments are subject to a convenience fee assessed directly by the card processor (not the District) to the customer. Prior to processing the transaction, the customer will be informed of the fee amount.
- g) With the exception of existing connections, the existence of special contract, or unusual circumstances requiring approval of the utility, a single meter can serve no more than one residential or commercial unit on and after the effective date of this tariff.
- h) For existing connection, special contracts, or other utility approved situations, where two or more units are being served by one meter, the following rules will apply:
- 1) One bill per meter will be sent to the customer that signed the Water Service Contract.
 - 2) The bill will consist of a charge in the amount of the utility's minimum bill multiplied by the number of units the meter serves. The amount of water included with a minimum bill will be multiplied by the number of units and deducted from the total amount of consumption. The remaining consumption will be evenly distributed among each unit, added to each unit's minimum bill, with the charges calculated in accordance with the currently approved rate schedule.
 - 3) The customer that signed the Water Service Contract will be fully and solely responsible for the charges associated with the connection including payment for all water passing through the meter, regardless of which unit is responsible for the water consumption.

DATE OF ISSUE 7/23/2025
MONTH / DATE / YEAR

DATE EFFECTIVE _____
MONTH / DATE / YEAR

ISSUED BY /s/Andy Greynolds
SIGNATURE OF OFFICER

TITLE _____

BY AUTHORITY OF ORDER OF THE PUBLIC SERVICE COMMISSION IN CASE
NO. _____ DATED _____

*Andy Greynolds
General Manager
East Casey County Water District
P. O. Box 56
Liberty, KY 42539

*East Casey County Water District
690 S Wallace Wilkinson Blvd
P. O. Box 56
Liberty, KY 42539

*Brenden R. Welch
P.E.
Kenvirons, Inc.
452 Versailles Road
Frankfort, KY 40602

*Honorable Damon R Talley
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801

*Tina C. Frederick
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KY 40507-1801