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Case Management System - KY Public Service Commission*Regular Cases Before the Commission as of December 01, 2024***2013-00237**

RECEIVED: 09/27/13

FILED: 09/27/13

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CASE CODE

General Rates

UTILITIES:

Water Service Corporation of Kentucky

INTERVENORS: Wilkerson-City of Clinton

HEARINGS:

04/09/14	Formal Hearing
04/08/14	Formal Hearing
04/01/14	Informal Conference
03/19/14	Formal Hearing
03/18/14	Formal Hearing
02/25/14	Informal Conference
11/19/13	Teleconference
10/18/13	Teleconference

INDEX OF EVENTS:

07/24/14 Order Entered: WSKY's proposed rates are denied
 2. The rates set forth in the Appendix to this Order are approved for service rendered on and after the date of this Order.
 3. Within 20 days of the date of this Order, WSKY shall file with the Commission, using the Commission's electronic Tariff Filing System, revised tariff sheets showing the rates approved herein.

07/11/14 Order Entered: (1) Intervenor's motion to strike WSKY's May 9, 2014 post-hearing brief is denied. (2) Intervenor's motion to strike Exhibit 2 and all portions of the WSKY's brief relying on information from Exhibit 2 is denied. (3) Intervenor's motion to strike Exhibits 3 through 7 is granted, and those exhibits along with the portions of WSKY's brief as described in the findings above are stricken from the evidence in this case.

06/24/14 Order Entered: (1) WSKY's motion to treat tax returns as confidential is hereby granted for an indefinite period of time, or until further Orders of the Commission. (2) WSKY's motion to treat as confidential the names of Utilities, Inc.'s corporate employees either working in Kentucky or as customer service representatives as shown on the schedule containing their salary information is hereby granted for an indefinite period of time, or until further Orders of this Commission. (3) WSKY's motion to redact as confidential in its entirety the schedule containing employee numbers and salaries for Utilities, Inc. corporate employees who do not work in Kentucky or do not work as a customer service representative is denied.
 (4) WSKY's motion to protect as confidential the information used in the decision-making process to implement Project Phoenix is hereby granted for an indefinite period of time, or until further Orders of this Commission. (5) When the materials granted confidentiality pursuant to ordering paragraph 1, 2, and 4 above are used in any Commission proceeding, they shall be in compliance with 807 KAR 5:001, Section 13(9).
 6. Movant shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.

05/20/14 M. Todd Osterloh WSKY's Response to Intervenor's Motion to Strike

05/15/14 Gregory T. Dutton Motion to Strike

05/13/14 Revised Notice of Filing Hearing Documents

05/09/14 M. Todd Osterloh Post Hearing Brief of WSKY

05/09/14 Gregory T. Dutton Attorney General's Post-hearing Brief

05/05/14 Order entered: WSKY's motion to protect as confidential the names of Utilities, Inc.'s employees either working in Kentucky or as customer service representatives as shown on the schedule containing their salary components is hereby granted for an indefinite period of time, or until further Orders of this Commission.
 2. WSKY's motion to redact as confidential in its entirety the schedule containing employee numbers and salary components for Utilities, Inc. employees who

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do not work in Kentucky or do not work as a customer service representative is denied.

3. When the materials granted confidentiality pursuant to ordering paragraph 1 above are used in any proceeding, they shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Movant shall inform the Commission if the said confidential materials become publicly available or no longer qualify for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise the Commission shall deny the request for inspection.

6. The Commi

05/05/14 Notice of Filing Hearing Documents

04/21/14 M. Todd Osterloh Response to Hearing Data Requests

04/17/14 Response Letter to Mary B. Potter

04/11/14 Letter Filing Documents into the Record

04/09/14 Gregory T. Dutton Updated Schedules of Attorney Generals Witness Andrea Crane

04/08/14 Order Entered: (1) WSKY's motion to substitute Dimitry Neyzelman as a witness for Lowell Yap is granted. (2) WSKY shall ensure that its witnesses are prepared to respond to cross-examination questions regarding Lowell Yap's testimony and responses to requests for information.

04/08/14 M. Todd Osterloh Notice of Filing Affidavit of Publication

04/08/14 M. Todd Osterloh Notice of Filing Affidavit of Publication

04/07/14 Mary B. Potter Public Comments

04/04/14 M. Todd Osterloh Corrected Rebuttal Schedules

04/03/14 Memorandum dated 4/03/14 for Informal Conference of 04/01/14; Comments, if any, due within five days of receipt

04/03/14 Letter Filing Document into the Record

04/03/14 M. Todd Osterloh Water Service Corporation of Kentuckys Motion to Substitute a Witness

04/02/14 M. Todd Osterloh Notice of Video Conferencing Capabilities

04/01/14 Order Entered: 1. Movant's motion for confidential protection is hereby granted.

2. The information for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Movant shall inform the Commission if the information in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

04/01/14 Order Entered: Movant's motion for confidential protection is hereby granted.

2. The information for which Movant seeks confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period of time, or until further Orders of this Commission.

3. Use of the materials in question in any Commission proceeding shall be in compliance with 807 KAR 5:001, Section 13(9).

4. Movant shall inform the Commission if the information in question becomes publicly available or no longer qualifies for confidential treatment.

5. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order and the period during which the materials have

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been granted confidential treatment has not run, the Movant shall have 20 days from receipt of written notice of the request to demonstrate that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Movant is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

6. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding the materials no longer qualify for confidential treatment in order to allow Movant to seek a remedy afforded by law.

03/31/14 Order Entered: WSKY's motion for Ms. Lupton to testify via telephone or video conference is granted.

2. Within seven days of entry of this Order, WSKY shall notify the Commission if WSKY has a video conference system that is Internet Protocol compatible with the H.323 industry standard so that a video conference can occur. If WSKY does not have the appropriate video conference equipment, Ms. Lupton shall testify telephonically.

03/28/14 Response Letter to William Kelley

03/24/14 City of Middlesborough Public Comments

03/23/14 M. Todd Osterloh Motion

03/21/14 M. Todd Osterloh Rebuttal Testimony

03/21/14 M. Todd Osterloh Supplemental Responses to Requests for Information

03/14/14 Order Entered: (1) The hearing scheduled for April 8, 2014, in this matter is cancelled. (2) Unless all parties request that this matter be submitted for decision upon the existing record, a formal hearing in this matter shall be held in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, on Wednesday, April 9, 2014, at 10:00 a.m. Eastern Daylight Time.(3) Water Service Corporation of Kentucky shall publish notice of the scheduled hearing in accordance with 807 KAR 5:001, Section 9(2)(b), no more than 21 days and no less than seven days before the day of the scheduled hearing. (4) Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9)(a), the official record of these proceedings shall be by video only. (5) Commission Staff shall prepare a written list of all exhibits presented at the hearing and shall file this list with the Commission with all hearing exhibits and a copy of the video transcript of the hearing.

03/07/14 Gregory T. Dutton Attorney Generals Response to Commissions Request for Information

03/07/14 Gregory T. Dutton Attorney Generals Response to Water Service Corp.s Request for Information

02/21/14 Commission Staff's First Request for Information to the Attorney General of the Commonwealth of Kentucky

02/21/14 M. Todd Osterloh Water Service Corporation of Kentucky's Request for Information to the Attorney General

02/06/14 Gregory T. Dutton Corrected Cover Letter for Direct Testimony of Andrea Crane.

02/05/14 Gregory T. Dutton Pre-filed Direct Testimony of Andrea C. Crane on behalf of the Office of the Attorney General

01/24/14 M. Todd Osterloh WSCKs Response to Staffs Third Request for Information

01/24/14 M. Todd Osterloh WSCKs Fourth Petition for Confidentiality

01/24/14 M. Todd Osterloh WSCKs Response to the AGs Second Request for Information

01/08/14 M. Todd Osterloh WATER SERVICE CORPORATION OF KENTUCKY'S AMENDED SECOND PETITION FOR CONFIDENTIALITY

01/08/14 M. Todd Osterloh WATER SERVICE CORPORATION OF KENTUCKY'S AMENDED PETITION FOR CONFIDENTIALITY

01/06/14 Letter to Todd Osterloh denying Water Service Corp.'s petition for confidentiality filed 10/11/13 and 10/22/13.

01/03/14 Commission Staff's Third Request for Information to Water Service Corporation of Kentucky

01/03/14 Gregory T. Dutton Second Request for Information

12/13/13 Order Entered: (1) Based on WSKY's agreement to not implement the proposed rates prior to issuance of a final decision in this case, WSKY's November 22, 2013 motion to amend the procedural schedule is granted. (2) Intervenor's request to deny WSKY's motion to amend the procedural schedule is denied. (3) Intervenor's request to dismiss WSKY's application for rate adjustment is denied. (4) The procedural schedule set forth in the Appendix to this Order shall be followed and shall replace the procedural schedule set forth in the November 14, 2013 Order. (5) All other provisions of the October 18, 2013 and November 14, 2013 Orders shall remain in full force and effect. (6) Further requests for extensions of time by WSKY shall result in a dismissal of this case.

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12/13/13	M. Todd Osterloh Response to Commission Staffs Second Information Request
12/13/13	M. Todd Osterloh Responses to the Attorney Generals Initial Requests for Information
12/13/13	M. Todd Osterloh Third Petition for Confidentiality
12/05/13	M. Todd Osterloh Response to the Intervenors Motion to Dismiss
12/03/13	Gregory T. Dutton Joint Response and Motion to Dismiss
11/27/13	Order Entered: <ol style="list-style-type: none"> 1. Water Service Corporation of Kentucky ("WSKY") shall have up to and including November 27, 2013, to file with the Commission any supplements to its Motion to Amend Procedural Schedule. 2. The intervening parties shall have up to and including December 3, 2013, to file with the Commission any response to WSKY's Motion to Amend Procedural Schedule and any motion related to WSKY's failure to comply with the Commission's Order of October 18, 2013, as amended by our Order of November 14, 2013. 3. WSKY shall have until December 5, 2013 to file with the Commission its response to any motions that the intervening parties have filed related to WSKY's failure to comply with the Commission's Order of October 18, 2013, as amended by our Order of November 14, 2013.
11/27/13	Memorandum dated 11/27/13 for Telephone Conference Call of 11/26/13; Comments, if any, due 12/6/13.
11/27/13	M. Todd Osterloh Revised Supplemental Information to WSCKs Second Motion to Amend the Procedural Schedule
11/27/13	M. Todd Osterloh Supplemental Information to the Second Motion to Amend the Procedural Schedule
11/22/13	M. Todd Osterloh Initial Responses to the Commission Staffs Second Information Request
11/22/13	M. Todd Osterloh Motion to Amend the Procedural Schedule and Set an Informal Teleconference
11/22/13	M. Todd Osterloh Initial Responses to the Attorney Generals Initial Request for Information
11/14/13	Order Entered: (1) WSKY's motion for a 14-day extension of time to file its responses to requests for information and to revise the procedural schedule is granted. (2) The procedural schedule set forth in the Appendix to this Order shall be followed and shall replace the procedural schedule set forth in the Order of October 18, 2013. (3) All other provisions of the October 18, 2013 Order shall remain in full force and effect.
11/14/13	Order Entered: (1) Clinton's motion to intervene is granted. (2) Clinton shall be entitled to the full rights of a party and, pursuant to 807 KAR 5:001, Section 8, shall be served with electronic notice of the issuance of all Commission Orders issued after the date of this Order and of all documents filed by any party to this proceeding. (3) Within seven days of the date of this Order, Clinton shall file with the Commission a written statement that it waives any right to service of Commission orders by United States mail and that it or its authorized agent possesses the facilities to receive electronic transmissions. (4) Clinton shall comply with all provisions of 807 KAR 5:001, Section 8, related to the electronic filing of documents. (5) Clinton shall comply with the revised scheduling order that is being issued simultaneously with this Order.
11/04/13	M. Todd Osterloh Motion to Extend Deadlines and Amend Procedural Schedule
11/01/13	Letter to Parties to Disregard 11/01/2013 Letter Filing Documents
11/01/13	Letter Filing Documents into the Record
10/31/13	Order Entered: <ol style="list-style-type: none"> 1. A formal hearing in this matter shall be held on Tuesday, March 18, 2014, at 10:00 a.m. Eastern Daylight Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. 2. Water Service Corporation of Kentucky shall publish notice of the scheduled hearing in accordance with 807 KAR 5:001, Section 9(2)(b), no more than 21 days and no less than seven days before the day of the scheduled hearing. 3. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9)(a), the record of the formal hearing in this matter shall be by videotape. 4. Commission Staff shall prepare a written list of all exhibits presented at the hearing and shall file this list with the Commission with all hearing exhibits and a copy of the video transcript of the hearing. 5. Any request to cancel or postpone this hearing shall be made by motion filed with the Commission at least one week before the hearing is scheduled to commence.
10/30/13	M. Todd Osterloh Response to the City of Clinton's Motion to Intervene
10/28/13	Letter Filing Documents into the Record
10/25/13	Commission Staff's Second Request for Information to Water Service Corporation of Kentucky
10/25/13	Gregory T. Dutton Initial Request for Information to Water Service Corp of Kentucky
10/24/13	Leanna Wilkerson Read First for Motion to Intervene, City of Clinton
10/24/13	Hickman County Fiscal Court_Waiver

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10/22/13 Letter dated 10/21/2013 Filing Documents into the Record

10/22/13 M. Todd Osterloh Petition for confidential protection to certain information provided in response to Item 3 and Item 11 of the Commission Staff's First Request for Information

10/22/13 M. Todd Osterloh Supplemental Responses to Item 3 and Item 11 of Commission Staffs First Information Request

10/18/13 Response Letters to Billy & Jackie Ayers, Carolyn Honeycutt, Larry Honeycutt, Ms. Romell Johnson, Thomas and Patsy Miracle, Bill & Teresa Sefton, Mrs. Billie Southern, Gregory Valentine, and Sue Wyatt

10/18/13 Order Entered:

1. WSKY's proposed rates are suspended up to and including March 26, 2014.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. All submissions of papers and documents in this proceeding shall be in accordance with 807 KAR 5:001, Section 8.
 - a. Electronic responses to requests for information shall be appropriately indexed, and all paper responses shall be appropriately indexed, bound, and tabbed. All responses shall include the name of the witness responsible for responding to the questions related to the information provided.
 - b. Each response shall be 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 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.
 - c. A party shall make timely amendment to any prior response if it obtains information, which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.
 - d. For any request to which a party fails to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

10/16/13 Order Entered:

1. The motion of Hickman County fiscal Court to intervene is granted.
2. Hickman County Fiscal court shall be entitled to the full rights of a party and, pursuant to 807 KAR 5:001, Section 8, shall be served with electronic notice of the issuance of all Commission Orders issued after the date of this Order and of all documents filed by any party to this proceeding.
3. Within seven days of the date of this Order, Hickman County Fiscal Court shall file with the Commission a written statement that it waives any right to service of Commission orders by United States mail and that it or its authorized agent possesses the facilities to receive electronic transmissions.
4. Hickman County Fiscal Court shall comply with all provisions of 807 KAR 5:001, Section 8, related to the electronic filing of documents.

10/14/13 Hickman county Fiscal Court's request to Intervene

10/11/13 M. Todd Osterloh RESPONSES TO COMMISSION STAFF'S FIRST INFORMATION REQUEST - PART 3 OF 3

10/11/13 M. Todd Osterloh RESPONSES TO COMMISSION STAFF'S FIRST INFORMATION REQUEST - PART 2 of 3

10/11/13 M. Todd Osterloh Petition for Confidentiality of certain information contained in respons to Commission Staffs First Request for Information

10/11/13 M. Todd Osterloh RESPONSES TO COMMISSION STAFF'S FIRST INFORMATION REQUEST - PART 1 of 3

10/10/13 Order Entered: The motion is granted, and the Attorney General is hereby made a party to these proceedings.

10/08/13 No deficiency letter

09/27/13 M. Todd Osterloh Application for General Adjustment in Existing Rates

09/17/13 Request to intervene of Hickman County Fiscal Court

09/12/13 Public Comments of Sue Wyatt

09/09/13 Public Comment of Billy Ayers

09/09/13 Comment letter of Gregory Valentine

09/09/13 Public Comments of Bill & Teresa Sefton

09/09/13 Public Comments of Billie Southern

09/05/13 Public comments of Larry Honeycutt

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09/03/13	Public Comments of Patsy Miracle
09/03/13	Public Comments of Carolyn Honeycutt
08/29/13	Romell Johnson Protest Letter
08/14/13	Attorney General's Notice of Substitution of Counsel
07/30/13	Commission Staff's First Request for Information to Water Service Corporation of Kentucky
07/16/13	AG's Motion To Intervene
06/20/13	Acknowledge Receipt of Filing
06/20/13	Water Service Corporation of Kentucky's notice of intent to file an application for rate adjustment no later than July 31, 2013 and use electronic filing procedures

Total Number of Cases: 1