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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of April 06, 2025***2015-00039**

RECEIVED: 01/08/15

FILED: 08/28/15

FINAL: 05/19/16

REOPENED: 04/21/16

SUSPENSION DATE: 02/26/16

**CASE CODE**

Wholesale Rate Adjustment

**UTILITIES:**

City of Augusta

Bracken County Water District

**HEARINGS:**

02/15/16 Informal Conference  
 09/08/15 Formal Hearing  
 09/02/15 Informal Conference  
 09/01/15 Informal Conference  
 08/06/15 Informal Conference  
 03/09/15 Informal Conference

**INDEX OF EVENTS:**

05/19/16 Order Entered: 1. The Augusta and Bracken District request for a declaratory order is granted. 2. The Augusta and Bracken District Water Purchase Contract, as amended by the First Amendment, satisfies the condition set forth in the Commission's April 15, 2016 Order. 3. The Augusta and Bracken District Water Purchase Contract, as amended by the First Amendment, is approved for service rendered on or after its April 21, 2016 filing date with the Commission. 4. Augusta's Motion to Substitute is granted. The pages tendered with the Motion to Substitute are accepted into the record. 5. This case is closed and is removed from the Commission's docket.

04/21/16 Gerald E. Wuetcher Notice of Filing of Amendment to Water Purchase Contract and Motion for Declaratory Order

04/15/16 Final Order Entered: 1. The Joint Motion to Approve the Settlement Agreement and Contract is granted conditioned upon the parties' filing, within seven days of the date of the Order, of a new contract or a contract amendment agreeing to delete from numbered paragraph 21 of the Contract the provision for a permanent withholding of 10 percent. 2. If neither a new contract nor a contract amendment is filed in accordance with ordering paragraph 1, each party shall have 21 days from the date of this Order to file a brief.

04/01/16 Gerald E. Wuetcher Revised Response to Commission Staffs First Request for Information Made Jointly to the City of Augusta and Bracken County Water District

03/29/16 M Todd Osterloh City of Augustas Responses to Staffs Joint Request for Information

03/29/16 Gerald E. Wuetcher Bracken County Water Districts Response to Commission Staffs First Request for Information Made Jointly to the City of Augusta and Bracken County Water District

03/16/16 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION MADE JOINTLY TO THE CITY OF AUGUSTA, KENTUCKY, AND BRACKEN COUNTY WATER DISTRICT

02/19/16 Memorandum dated 2/19/2016 for Informal Conference of 2/15/2016; Comments, if any, due within five days of receipt

02/12/16 Order Entered: 1. Augusta and Bracken District's February 9, 2016 motion for conference is granted. 2. An informal conference shall be held on February 15, 2016, at 9:30 a.m. Eastern Standard Time in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of discussing the Settlement Agreement and Stipulation and proposed new Water Purchase Agreement. 3. A decision on Augusta and Bracken District's February 9, 2016 joint motion for Approval of Settlement Agreement and Stipulation and Water Purchase Contract is deferred and will be addressed by a future Order. 4. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

02/09/16 Gerald E. Wuetcher Joint Motion to Accept Settlement Agreement and Motion for Conference

02/03/16 Order Entered: 1. Bracken District's Motion to Incorporate by reference into the record in this proceeding the record of PSC Case No. 98-283 is granted. 2. Bracken District's request to strike from the record all reference to a rate calculation set forth in Augusta's Audited Basic Financial Statements for the Year Ended June 30, 2014, as filed in its Motion to Strike and Dismiss, is denied. 3. Bracken District's request to dismiss, as filed in its Motion to Strike and Dismiss, is denied.

01/22/16 Gerald E. Wuetcher Report on Settlement Discussions and Motion To Establish New Briefing Schedule and for An Order Addressing Outstanding Motions

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01/20/16 Order Entered: 1. Augusta and Bracken District's January 6, 2016 joint motion to hold the briefing schedule in abeyance is granted. 2. If the governing bodies of Augusta and Bracken District approve the proposed contract, the parties shall file an executed contract into the record on or before January 27, 2016. 3. If either of the governing bodies of Augusta and Bracken District fails to approve the proposed contract, the parties shall file a notice of the rejection into the record on or before January 22, 2016. 4. Augusta and Bracken District's request for a conference is denied, without prejudice. 5. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

01/13/16 M. Todd Osterloh Motion to Substitute Redacted Pages

01/06/16 Gerald E. Wuetcher Report of Settlement Discussions and Motion To Suspend Briefing Schedule

12/30/15 Gerald E. Wuetcher Report on Settlement Discussions

12/09/15 Order Entered: 1. Augusta and Bracken District's joint motion to extend the time for filing a brief in this matter is granted. 2. The date by which each party shall file its brief in this matter is extended from December 9, 2015, up to and including January 8, 2016. 3. On or before December 30, 2015, Augusta and Bracken District shall file a written statement regarding the status of their settlement discussions. 4. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

12/01/15 Gerald Wuetcher Report on Settlement Negotiations and Motion for an Extension of Time to Submit Written Briefs

11/05/15 Order Entered: Augusta and Bracken District's joint motion to modify the procedural schedule set forth in the Commission's September 16, 2015 Order is granted.  
2. The date by which each party shall file its brief in this matter is extended from November 9, 2015, to and including December 9, 2015.  
3. On or before December 1, 2015, Augusta and Bracken District shall file a written statement regarding the status of their settlement discussions.  
4. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

10/29/15 Gerald E. Wuetcher Joint Motion to Extend Period for Submission of Briefs

10/12/15 Gerald E. Wuetcher Reply to City of Augustas Response to Bracken County Water Districts Notice and Motion to Strike Documents and Dismiss the Proceeding

10/07/15 Cynthia C. Thompson City of Augusta Letter to Jeff R. DeRouen, Executive Director

10/06/15 M. Todd Osterloh City of Augustas Response to Bracken County Water District's Renewed Motion to Strike Documents and Dismiss the Proceeding

10/05/15 Gerald E. Wuetcher Response to City of Augustas Letter of 10/2/2015

10/02/15 M. Todd Osterloh Supplemental Responses to Post-Hearing Information Requests

10/02/15 M. Todd Osterloh Reply to BCWDs Response to PSC Staff Memorandum

09/30/15 Gerald Wuetcher Response to PSC Staff Memorandum

09/29/15 Gerald E. Wuetcher Notice Regarding Submission of Requests for Information and Motion to Strike Documents and Dismiss the Proceeding

09/25/15 Memorandum dated 9/25 for Informal Conference of 9/1; Comments, if any, due within 5 days of receipt

09/24/15 Gerald E. Wuetcher Letter of Inquiry re Invoices for Water Sampling

09/22/15 Order Entered: Augusta's petition for confidential protection is hereby granted.  
2. The materials for which Augusta seeks confidential treatment shall not be placed in the public record or made available for public inspection for an indefinite period of time.  
3. Augusta shall inform the Commission if the materials in question become publicly available or no longer qualify for confidential treatment.  
4. If a non-party to this proceeding requests to inspect materials granted confidential treatment by this Order, the Commission shall notify Augusta in writing and direct Augusta to demonstrate within 20 days of its receipt of the notice that the materials still fall within the exclusions from disclosure requirements established in KRS 61.878. If Augusta is unable to make such demonstration, the requested materials shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.  
5. The Commission shall not make the requested materials available for inspection for 20 days following an Order finding that the materials no longer qualify for confidential treatment in order to allow Augusta to seek a remedy afforded by law.

09/18/15 M. Todd Osterloh Responses to Post-Hearing Information Requests

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09/18/15 Gerald E. Wuetcher Bracken County Notice of Compliance with Order of September 16, 2015  
 09/17/15 Order Entered: 1. Bracken District's Motion to Substitute is granted. 2. The 12 redacted pages filed with Bracken District's Motion to Substitute shall be filed into the record in substitution for pages 1 through 12 of Exhibit 3 of Bracken District's March 18, 2015 filing. 3. The unredacted pages 1 through 12 of Exhibit 3 that were filed with the Commission by Bracken District on March 18, 2015 shall be returned to Bracken District.

09/16/15 Order Entered: 1. All responses to requests for information made during the September 8, 2015 hearing shall be filed no later than September 18, 2015. 2. Requests for information concerning Donna J. Hendrix, CPA, her rate calculation, and rate case expenses shall be filed no later than September 28, 2015. 3. Responses to requests for information concerning Donna J. Hendrix, CPA, her rate calculation, and rate case expenses shall be filed no later than October 8, 2015. 4. Any motion for an additional evidentiary hearing shall be filed no later than October 19, 2015. 5. Each party shall file its brief in this matter no later than November 9, 2015. 6. Nothing contained herein shall prevent the Commission for entering further Orders in this matter.

09/16/15 Gerald E. Wuetcher Bracken County Water District Motion to Incorporate By Reference  
 09/14/15 Gerald E Wuetcher Bracken County Water District Motion to Substitute Redacted Pages  
 09/11/15 Notice of Filing Hearing Documents  
 09/04/15 Order Entered: 1. Augusta's Motion to Amend its rate request to include rate-case expense is granted. 2. The proposed rates set forth in Augusta's revised tariff sheet issued August 27, 2015, and filed on August 28, 2015, are suspended for five months, from September 27, 2015, up to and including February 26, 2016. 3. The proposed rates set forth in Augusta's revised tariff sheet issued August 27, 2015, and filed on August 28, 2015, supersede the originally proposed rates set forth in Augusta's revised tariff sheet filed on January 8, 2015. 4. The parties' requests to reschedule the September 8, 2015 hearing are denied. 5. All provisions of the August 14, 2015 Order that are not in conflict with the terms of this Order shall remain in effect. 6. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

09/04/15 M. Todd Osterloh Notice of Publication  
 09/03/15 M. Todd Osterloh CITY OF AUGUSTA'S RESPONSE TO BRACKEN DISTRICT'S MOTION TO DECLARE THE INITIAL RATE FILING VOID, SUSPEND THE AMENDED RATE FILING, AND MODIFY THE EXISTING PROCEDURAL SCHEDULE

09/02/15 Gerald E. Wuetcher Response to Motion to Amend to Include Rate Case Expense  
 09/01/15 Order Entered: 1. Bracken District's motion to modify the procedural schedule to reschedule the informal conference is granted. 2. The informal conference scheduled for September 1, 2015, is cancelled. 3. An informal conference shall be held on September 2, 2015, at 1 :00 p.m. Eastern Daylight Time in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of considering the possibility of settlement, the simplification of issues, and any other matters that may aid in the handling or disposition of this case. 4. All provisions of the August 14, 2015 Order that are not in conflict with the terms of this Order shall remain in effect. 5. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

08/31/15 Gerald Wuetcher Notice of Exhibits and Motion to Declare the Initial Rate Filing Void, Suspend the Amended Rate Filing, and Modify the Existing Procedural Schedule

08/31/15 M. Todd Osterloh Notice of Exhibits  
 08/28/15 Order Entered: 1. Augusta and Bracken District's Joint Motion to Modify Procedural Schedule is granted. 2. The pre-filed testimony of each party shall be due on or before August 27, 2015. 3. All provisions of the August 14, 2015 Order that are not in conflict with the terms of this Order shall remain in effect. 4. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

08/28/15 M. Todd Osterloh Motion to Amend for Rate Case Expense  
 08/27/15 M. Todd Osterloh Direct Testimony Hearing Witnesses of the City of Augusta  
 08/27/15 M. Todd Osterloh Direct Testimony Hearing Witnesses of the City of Augusta  
 08/27/15 M. Todd Osterloh Petition for Confidentiality  
 08/27/15 Gerald E. Wuetcher Notice of Direct Testimony Witness  
 08/26/15 M. Todd Osterloh Notice of Appearance  
 08/25/15 Gerald E. Wuetcher Motion to Reschedule Conference  
 08/20/15 Gerald E. Wuetcher Joint Motion to Modify Procedural Schedule  
 08/14/15 Memorandum dated 8/14/2015 for Informal Conference of 8/06/2015; Comments, if any, due within five days of receipt

08/14/15 Order Entered: 1. Augusta and Bracken District's joint request to continue to hold this matter in abeyance is denied. 2. A formal hearing in this matter shall be held on Tuesday, September 8, 2015, at

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10:00 a.m. Eastern Daylight Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky. 3. No later than August 21, 2015, Augusta shall pre-file with the Commission the testimony of each witness it intends to call at the September 8, 2015 hearing in support of its proposed new rate. Augusta shall provide the order in which it intends to call its witnesses. 4. No later than August 21, 2015, Bracken District shall provide the name and title of each witness it intends to call at the September 8, 2015. For each witness that Bracken District intends to call at the September 8, 2015 hearing, Bracken District shall pre-file with the Commission the testimony of that witness and also provide the order in which it intends to call its witnesses. 5. Each party shall file with the Commission no later than August 31, 2015, a list of all documents that it intends to offer as exhibits and ten single-sided copies of any document that will be presented as an exhibit that has not been previously filed with the Commission in this proceeding. A party filing a document containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the document so that personal information cannot be read.

08/06/15 Commission Staff's Notice of Informal Conference  
07/27/15 Gerald E. Wuetcher Second Report on Status of Settlement Discussions  
06/24/15 Gerald E. Wuetcher Report on Status of Settlement Discussions  
06/17/15 Order Entered; Augusta and Bracken District's joint motion to hold the procedural schedule in abeyance is granted.  
2. The procedural schedule set forth in the Appendix to the Commission's May 29, 2015 Order is suspended pending further Order of the Commission.  
3. On or before June 24, 2015, Augusta and Bracken District shall file a written statement regarding the status of their settlement discussions.  
4. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

06/10/15 Gerald Wuetcher Joint Motion to Hold Procedural Schedule in Abeyance  
06/03/15 Cynthia C. Thompson Augustas Third Response to Bracken County Water District  
06/02/15 Cynthia C. Thompson City of Augustas Third Response to Public Service Commission  
05/29/15 Order Entered: 1. Augusta's request for an extension of time is granted. 2. Augusta's response to Staff's Third Request and Bracken District's Second Request for Information shall be filed on or before June 2, 2015. 3. The procedural schedule set forth in the Appendix to this Order shall be followed. 4. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause. 5. All provisions of the February 10, 2015 Order that are not in conflict with the terms of this Order shall remain in effect.  
6. Nothing contained herein shall prevent the Commission from entering further Orders in this matter

05/28/15 Letter Filing Document in the Record  
05/26/15 Cynthia C. Thompson Motion to Amend Procedural Schedule.  
05/15/15 Gerald Wuetcher Letter to Augusta Counsel re 3rd Request for Information  
05/11/15 Commission Staff's Third Request for Information to the City of Augusta, Kentucky  
05/11/15 Gerald Wuetcher Bracken County Water Districts 3rd Request for Information to the City of Augusta  
04/27/15 Cynthia C. Thompson Augusta second response to PSC  
04/13/15 Commission Staff's Second Request for Information to the City of Augusta, Kentucky  
04/13/15 Gerald R. Wuetcher Second Request for Information to the City of Augusta  
03/30/15 Cynthia C. Thompson Augustas First Response to PSC  
03/30/15 Cynthia C. Thompson Augustas First Response to BCWD  
03/24/15 Cynthia C. Thompson City of Augustas Written Statement in Compliance with the Commissions March 18, 2015 Order  
03/19/15 Gerald E. Wuetcher Bracken County Water Districts Written Statement in Compliance with the Commissions March 18, 2015 Order  
03/18/15 Order Entered: 1. The electronic filing procedures established in 807 KAR 5:001, Section 8, shall be used in lieu of other filing procedures established in 807 KAR 5:001. 2. Within seven days of the date of this Order, Augusta and Bracken District shall file with the Commission written statements that they, or their authorized agents, possess the facilities to receive electronic transmissions. 3. The procedural schedule set forth in the Appendix to this Order shall be followed. 4. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause. 5. All provisions of the February 10, 2015 Order that are not in conflict with the terms of this Order shall remain in effect. 6. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

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03/18/15 Gerald E. Wuetcher Filing contains Bracken Districts First Request for Information to the City of Augusta and Bracken Districts Notice of Filing of Bracken County Water Districts Request for Substantiation of Under Charges City of Augustas Response

03/18/15 Gerald E. Wuetcher Re-filing Notice of Filing. Attachments to Notice were inadvertently omitted from the original document filed.

03/16/15 Memorandum dated 3/16 for Informal Conference of 3/9; Comments, if any, due 5 days of receipt

03/06/15 Commission Staff's Notice of Informal Conference

02/27/15 Order Entered: 1. Augusta's request for an extension of time is granted. 2. Augusta's response to the request for information contained in Appendix B to the Commission's February 10, 2015 Order is due on or before March 23, 2015. 3. The procedural schedule set forth in Appendix A to the Commission's February 10, 2015 Order is suspended pending further order of the Commission.

02/24/15 Bracken County Water District Response to Motion for Extension of Time

02/19/15 City of Augusta Motion for Extension of Time to File Information

02/12/15 Bracken County Water District Motion To Authorize Electronic Procedures

02/10/15 Order Entered: 1. Augusta's proposed rate for wholesale water service is suspended for five months from February 11, 2015, up to and including July 10, 2015. 2. Bracken District is made an intervenor in this matter. 3. The procedural schedule set forth in Appendix A to this Order shall be followed. A person who submits a motion to intervene after February 19, 2015, and, upon showing of good cause, is granted full intervention shall accept and abide by the existing procedural schedule. 5. Augusta shall file with the Commission, no later than February 19, 2015, the original and ten copies of the information listed in Appendix B to this Order, with a copy to all parties of record. a. Responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record and ten copies to the Commission. b. 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 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.

02/02/15 Bracken County Water District Request

01/08/15 City of August Tariff

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Total Number of Cases: 1