



Public Service Commission

Records Retention Schedule

Prepared by the State Records Branch
Archives and Records Management Division
Approved by the State Libraries, Archives, and Records Commission



Kentucky Department for Libraries and Archives

This records retention schedule governs retention and disposal of records created, used and maintained by the Public Service Commission. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Public Service Commission personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for Public Service Commission to destroy the records listed, after the appropriate retention periods have passed.

Public Service Commission personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for Public Service Commission.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.

This retention schedule covers the content of records created by Public Service Commission, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

Audits and Legal Action

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

Vital Records

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

Confidential Records

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

Copies of Records

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

Updating the Retention Schedule

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

Public Service Commission

The Public Service Commission is an independent agency that is attached, for administrative purposes only, to the Energy and Environment Cabinet. The Commission is charged with regulating the intrastate rates and services of over one thousand five hundred (1,500) utility companies regarding gas, water, sewer, electric and telecommunications. It does not regulate utilities subject to the control of cities, political subdivisions or those served by the Tennessee Valley Authority. The Public Service Commission is governed by KRS Chapter 278.

The Public Service Commission was established in 1934 by the General Assembly. In 1980, Executive Order 80-1010 was enacted by the General Assembly and was ratified by the 1982 General Assembly. It established structure, Commission members and a Director to be appointed by Governor.

The mission of the Public Service Commission is to ensure that utilities charge fair, just and reasonable rates for the services provided and that those services are adequate, efficient, safe and reliable.

RECORDS RETENTION SCHEDULE

Signature Page

Public Service Commission
Agency

June 10, 2010
Schedule Date

Unit

Change Date

June 20, 2010
Date Approved By Commission

APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

David H. Armstrong
Agency Head

6/15/2010
Date of Approval

Beneé C. Smith
Agency Records Officer

6/15/2010
Date of Approval

Barbara Toajus
State Archivist and Records Administrator
Director, Public Records Division

6/10/2010
Date of Approval

Wayne Orkist
Chairman, State Archives and Records Commission

6/10/2010
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

Pam Compton
Records Analyst/Regional Administrator

06/10/2010
Date of Approval

Trig Trig
Appraisal Archivist

6/10/10
Date of Approval

[Signature]
State/Local Records Branch Manager

6/10/10
Date of Approval

The determination as set forth meets with my approval.

Bob McBeath
Auditor of Public Accounts

6-10-10
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION
Archives and Records Management Division
Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

Energy and Environment Cabinet
Public Service Commission

Record Group
Number
2440

Series	Records Title and Description	Function and Use
00950	Cross Index File	CLOSED: Series is no longer created and therefore obsolete. This series was used to locate cases by number, county, and company
	Access Restrictions	None
	Contents	
	Retention and Disposition	Retain permanently in Agency
00954	Case Records (Documentary history of facts of cases)	This series documents the history of cases filed with the Kentucky Public Service Commission by regulated utilities as well as administrative cases opened by the Commission. These documents preserve the actions taken during the course of any case. In the event a hearing is held, a recording is made pursuant to the provisions of KRS 278.360 and becomes part of the case record.
	Access Restrictions	None
	Contents	Series may contain: applications, orders, exhibits, testimonies, notices, information requests, correspondence and pleadings and if applicable, the recording of hearing.
	Retention and Disposition	Retain in Agency five (5) years after closure of case and transfer to State Archives Center for permanent retention.
03450	Staff Coordination Sheets	This series is used to route orders of case files to the appropriate staff of the Public Service Commission. Orders are official findings or opinions of the Public Service Commission that may be either those which show final disposition of a case or which are procedural in nature, such as those setting hearing times and dates, requests for additional information, or dismissals. Any suggestions made by the staff concerning the orders are documented on this sheet.
	Access Restrictions	None
	Contents	Case Number; Order Due; Case Style; Order Drawn By; Team Leader; Date; First Circulation; Remarks; Second Circulation; Staff Approval
	Retention and Disposition	Retain in Agency one (1) month and destroy
03451	Records of Commission Proceedings Involving Non-Case Matters	This series documents preliminary meetings and events, including all meetings at the Public Service Commission office with utilities, companies, or organizations for various purposes and also public meetings and special events. These records are designed to monitor and maintain the integrity of ethics within the agency.
	Access Restrictions	None
	Contents	Series may contain: Preliminary Guidance Report that lists any pending cases and sets boundaries of what is appropriate and inappropriate for discussion during the meeting; attendees' sign-in sheet; post-meeting summary.
	Retention and Disposition	Retain in Agency ten (10) years.

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2440

Series	Records Title and Description	Function and Use
03490	Hearing Schedule (CMS Printout)	This series documents information regarding upcoming hearings at the Public Service Commission. It is used by staff for scheduling purposes and to populate the Public Service Commission web-site calendar.
	Access Restrictions	None
	Contents	Series may contain: Date; Time; Case Number; Utility Name; Location; Hearing Officer and Reporter Information
	Retention and Disposition	Retain in Agency one (1) month and destroy
06046	Tariffs (V)	This series documents all utility tariff filings with the Public Service Commission which shall be approved by the Commission. Pursuant to KRS Chapter 278 and 807 KAR 5:011, all utilities shall file copies of all tariffs stating rates, charges, tolls, and maps and/or plats of the service area with the Public Service Commission and are required to maintain a copy for public inspection in its offices and places of business. If a utility provider offers more than one service, a separate tariff must be filed for each type of service. The Public Service Commission staff review utility tariffs to ensure compliance and deal with complaints filed against an utility provider.
	Access Restrictions	None
	Contents	Series may contain: Tariff rate and class of service; charges; tolls; maps and/or plats of service area; type of utility being provided (i.e., water, electricity, telephone, gas, etc.); name and location of principal office; general statement re service offered and area of service; Date of issue and date tariff is effective; signatures of authority issuing tariff; copy of rules and regulations, including special rules, if applicable; Franchise Agreements; delayed payment charge (penalty or discount); terms of contracts, if applicable.
	Retention and Disposition	Retain in Agency permanently.
06047	Utility Contracts	This series documents legally binding agreements entered into by utilities with other utilities, business entities, service areas, governmental entities or individual customers. The series provides information which is useful in case studies and serves as a general collection place for otherwise ungathered utility data.
	Access Restrictions	None
	Contents	Series may contain: Legal agreements between utilities and other business entities including Coal Contract Orders and Purchase Orders; Barge and Rail Coal Transportation Contracts; and supporting documentation related to contracts.
	Retention and Disposition	Retain in Agency and destroy five (5) years after completion, termination or expiration.
06048	Access Log to Confidential Information	This series documents the sign-in log regarding information submitted to the Public Service Commission per requirements of KRS Chapter 278 and are of a confidential and sensitive nature regarding commercial practices. The confidential log tracks the requests of Public Service Commission employees to view the confidential records and the approvals and denials to access the records. The information is used by Public Service Commission staff for case work and to ensure compliance with KRS Chapter 278, is kept in a secure and locked vault with limited access. The information would also provide unfair commercial advantage to competitors of the entity and/or may contain personal information that are exempt from public inspection pursuant to KRS 61.878 and 807 KAR 5:001 Section 7.
	Access Restrictions	KRS 61.878 (1) (a); KRS 61.878 (1) (c) (1) (2); 807 KAR 5:001 Section 7
	Contents	Series may contain: Date, time and employee accessing vault; name of company records; date and time returned.
	Retention and Disposition	Retain in Agency permanently.

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Series	Records Title and Description	Function and Use
06050	Utility Inspection Reports	This series documents information about utilities gathered by field inspectors from the Engineering Division of the Public Service Commission. Periodic inspections are done of jurisdictional water, sewer, gas, telecom and electric utilities in order to monitor such things as recordkeeping, storage, meter testing, construction, and safety programs pursuant to KRS Chapter 278. Any deficiencies are reported to the utility which must respond by explaining why the deficiency occurred, an action plan to correct the deficiency, and how it will be prevented in the future.
	Access Restrictions	None
	Contents	Series may contain: Inspection checklists; utility inspection reports; deficiency tracking reports; correspondence re the inspections.
	Retention and Disposition	Retain in Agency and destroy eight (8) years from date of inspection or date of compliance, if deficiencies are noted.
06051	Utility Financial Reports	This series documents: (1) The financial and statistical reports required by KRS Chapter 278 and 807 KAR 5:006, Section 3. These reports are submitted by the utility and used by the Public Service Commission for monitoring purposes. The financial and statistical reports shall be filed on or before March 31, each year, for the preceding calendar year and (2) Audit Financial Reports, pursuant to provisions of KRS 278.2211, and compiled by the Public Service Commission as a result of an investigation of a utility and affiliate to ensure compliance with KRS 278.010 to 278.450. This report documents a utility's violation of statutes, regulations, Commission Orders, tariffs and accounting principles.
	Access Restrictions	None
	Contents	Series may contain: Financial information submitted by a utility or as a result of an audit and includes but is not limited to gross operating revenue, Financial Records, including but not limited to annual financial and statistical reports; monthly reports; water district audit reports mandated by KRS 65.065 and KRS 65.065(2) and (5); monthly environmental surcharges; annual filings for holding companies; financial audit reports and inspections, including supporting documentation; and Monthly Fuel Adjustment Charge Reports (FACS).
	Retention and Disposition	Retain in Agency permanently.
06053	Quarterly Meter Reports	This series documents the reports of water, gas and electric utility companies be submitted to the Public Service Commission no later than end of each quarter of each year pursuant to 807 KAR 5:006, Section 3. These reports identifies the total number of meters for residential, commercial and industrial customers, the number of meters tested by the utility, test results and billing and refund information.
	Access Restrictions	None
	Contents	Series may contain: Name of utility company, quarter test period, breakdown of whether residential, commercial or industrial meter and number of meters tested; test reports; billing and refund information
	Retention and Disposition	Retain in Agency and destroy eight (8) years from date submitted.

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Series	Records Title and Description	Function and Use
06054	Third Party Management Audits	This series documents the audit reports ordered by the Kentucky Public Service Commission as set forth in 807 KAR 5:013 as it relates to KRS 278.040 and 278.255. An independent firm conducts an examination, inspection, evaluation and inspection of records, administrative regulations, policies, objectives, goals, plans, practices, methods or other criteria utilized by management of a utility to conduct its business and may include appropriated recommendations for improved management and operation techniques. The utility then creates a Management Audit Action Plan (MAAP). The utility submits progress reports and the Public Service Commission staff responds to these reports per the scheduled period of time.
	Access Restrictions	None
	Contents	Series may contain: Final Audit Report by independent firm, name and address of firm conducting report, date of preparation, Management Audit Action Plan (MAAP), progress reports and correspondence.
	Retention and Disposition	Retain in Agency the Final Audit Report and Management Audit Action Plan (MAAP) permanently and destroy the progress reports and any accompanying correspondence eight (8) years from date of receipt of final report.
06055	Interconnection Agreement	This series documents the legally binding agreements between telecommunication utilities describing the physical linking of networks for the exchange of telecommunication traffic under 47 U.S.C. Section 252 as a result of voluntary negotiation, mediation or arbitration. Some agreements may include an "evergreen clause" which automatically renews the agreement for a specified period of time until replaced by a subsequent agreement. This series is used by staff in case studies involving disputes between telecommunication carriers.
	Access Restrictions	None
	Contents	Series may contain: Interconnection Agreements between telecommunication carriers, parties to agreement, date and signatures.
	Retention and Disposition	Retain in Agency eight (8) years from date of expiration of agreement or if applicable, after expiration date of the "evergreen clause"; destroy.

Electronic System With Included Records Series

Energy and Environment Cabinet

KY Public Service Commission

Filings

System Description: The Annual Reports System allows utilities to file their annual and accessible revenue reports to the Public Service Commission through a web-based application.

These reports are mandated by KRS Chapter 278 and 807 KAR 5:006, Section 3.

System Contents: Accessible revenue information; contact information; gross operating revenues; status and classification.

Annual Reports: company information, income, assets, liabilities, earnings, cash flow, construction information, investments, leases, materials and supplies, taxes, plant statistics, wage distribution, etc.

General Schedule Items:

System Title: Annual Reporting System

Alternate Title: Utility Financial Report System (UFR)

Series #: ***Series Title:***

Disposition Instructions:

Total Retention:

06051 Utility Financial Reports

Retain in Agency permanently.

Electronic System With Included Records Series

Energy and Environment Cabinet

KY Public Service Commission

Filings

System Description: The Case Management System is a logging system for all cases brought before the Public Service Commission. All case related documents and many non-case related documents are logged into the system.

System Contents: Incoming and outgoing mail and Orders (Milestones) are logged by the system. Modules include Hearings, Orders, Milestones, Mail, and Internal Remarks.
There is an Electronic Filings System module that allows for filing mail documents electronically. These must be followed up by paper copies.

General Schedule Items: M0005 - Administrative Orders

System Title: Case Management System

Alternate Title: CMS or Docket

Series #: ***Series Title:***

Disposition Instructions:

Total Retention:

00954 Case Records

Retain in Agency five (5) years after closure of case and transfer to State Archives Center for permanent retention.

03490 Hearing Schedule

Retain in Agency one (1) month and destroy

Electronic System With Included Records Series

Energy and Environment Cabinet

KY Public Service Commission

Filings

System Description: The Tariff System consists of a web-based application that allows for the submission of new Tariffs and/or the ability to append to existing Tariffs. Users log-in with an assigned user name and password and documents are required to be uploaded in PDF.

System Contents: The Tariff system data consists of:
Filing information - who filed, status, and dates pertaining to rejection, approval and orders.
Document Information - File information (location, name) and status

General Schedule Items:

System Title: Tariff System

Alternate Title: TRF

Series #: ***Series Title:***

Disposition Instructions:

Total Retention:

06046 Tariffs

Retain in Agency permanently.

Electronic System With Included Records Series

Energy and Environment Cabinet

KY Public Service Commission

Filings

System Description: The Utility Management System (UMS), also referred to as Utility Master, is a browser system which contains specific information in regards to utilities under the Public Service Commission jurisdiction. UMS is where the official record of the utility is established to be active, maintained, and made inactive.

System Contents: Utility name, utility ID, contact information, utility type, status, class, approximate average number of customers, counties served, and various viewable and printable reports relating to utilities such as utility directory containing certain information for all utilities, methods to print utility contact mailing labels, and number of utilities by type of service provided.

General Schedule Items:

System Title: Utility Master System

Alternate Title: UMS

<i>Series #:</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>	<i>Total Retention:</i>
00954	Case Records	Retain in Agency five (5) years after closure of case and transfer to State Archives Center for permanent retention.	
06046	Tariffs	Retain in Agency permanently.	
06051	Utility Financial Reports	Retain in Agency permanently.	
