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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BULLITT COUNTY
SANITATION DISTRICT AS RECEIVER FOR THE
ASSETS OF BULLITT UTILITIES, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY AND SURCHARGE FOR SAME

CASE NO. 2014-00255

**MOTION OF THE UNITED STATES BANKRUPTCY TRUSTEE FOR
INTERVENTION**

Comes Robert W. Keats, as the Bankruptcy Trustee of Bullitt Utilities, Inc. ("Bullitt Utilities"), and for his Motion for Intervention, states as follows:

(1) On December 18, 2015, a Chapter 7 Involuntary Bankruptcy Petition was filed in the United States Bankruptcy Court for the Western District of Kentucky in Case No. 15-34000(1) against Bullitt Utilities, by its two largest creditors, Veolia Water Technologies ("Veolia") and Perdue Environmental Contracting Company, Inc. (PECCO"). (See Attachment A) By Order of the United States Bankruptcy Court, the undersigned, Robert W. Keats, was appointed as the Chapter 7, Trustee of Bullitt Utilities' bankruptcy estate on December 29, 2015.

(2) As the Trustee of the Bullitt Utilities' bankruptcy estate, the undersigned must protect the assets of the estate.

(3) Bullitt Utilities tendered a Petition for Certificate of Convenience and for Surcharge in this case. (See Commission's December 15, 2015 Order, p. 1) As described in detail in the Post-Hearing Brief of Bullitt Utilities, Inc., In Support Of Application For Surcharge ("Post-Hearing Brief"), Bullitt Utilities incurred extraordinary expenses in the approximate amount of \$3,467,528 in responding to the failure of the WWTP. This amount does not include

the \$362,624 that would have been incurred by Bullitt Utilities in constructing the well and pump station to connect the Hunters Hollow collection system to the Bullitt County Sanitation District's ("BCSD") sanitary sewer system. Accordingly, the evidence in the record, which was analyzed in detail in Bullitt Utilities' Post-Hearing Brief, establishes that approximately 90% of the amount of the Surcharge requested by Bullitt Utilities was to pay the extraordinary expenses incurred in responding to the WWTP's failure and not to construct the wet well and pump station.

(4) The requested Surcharge clearly constituted a significant potential asset of Bullitt Utilities, of course, subject to the Commission's approval. This asset, if granted, would enable Bullitt Utilities to pay its numerous creditors. If the Surcharge application is not granted, then the companies/creditors that provided assistance in responding to the failure of the WWTP will not be paid the significant amounts that are due them. Certainly, these companies/creditors will be unwilling to provide emergency assistance to a WWTP utility in the future, if such assistance is needed. Therefore, it is in the public's best interest to approve the Surcharge so that companies that can assist in responding to an emergency experienced by a WWTP utility will be willing to do so. This is particularly true where the companies/creditors that will be paid through the Surcharge provided valuable service and helped to address an environmental emergency.

(5) The undersigned, the Bankruptcy Trustee of Bullitt Utilities, hereby moves the Commission to grant this Motion to Intervene so that he can take the necessary steps to protect the Bullitt Utilities' assets, including the possible Surcharge.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by United States First Class Mail, postage prepaid, on this 5th day of January, 2016 upon:

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Robert W. Keats, Trustee