

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BIG BEAR WASTEWATER,) CASE NO.
INC. FOR AN ADJUSTMENT OF RATES) 2009-00171

O R D E R

This matter arises upon the motion, by counsel, of The Dens Condominium Association ("The Dens"), filed September 17, 2009, for full intervention in the rate application filed by Big Bear Wastewater, Inc. ("Big Bear") on April 28, 2009.

On September 24, 2009, Big Bear filed an objection to the intervention request by The Dens upon the grounds that such intervention would unduly complicate the proceedings. The basis for Big Bear's opposition was that the motion to intervene was untimely and, if granted, Big Bear would have to retain counsel to represent it in these proceedings. We note that the notice given the customers of Big Bear on April 24, 2009 stated that any motion to intervene may be made within 30 days of notice of the proposed rate change. However, the regulation only requires such motion for intervention to be made in a timely manner.¹ While The Dens' motion may not be prompt, we cannot say it is untimely, especially since the Staff Report has not yet been filed. Parties will be given 10 days to comment on the Staff Report and/or request further proceedings.

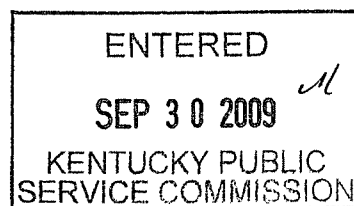
¹ 807 KAR 5:001, Section 3(8).

It appears to the Commission that such intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. The Commission, being otherwise sufficiently advised, finds that The Dens should be granted full rights of a party in this proceeding.

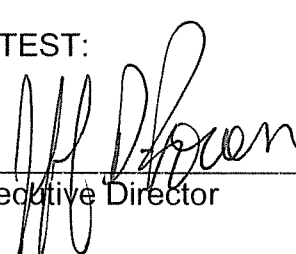
IT IS HEREBY ORDERED that:

1. The motion of The Dens to intervene is granted.
2. The Dens shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should The Dens file documents of any kind with the Commission in the course of these proceedings, The Dens shall also serve a copy of said documents on all other parties of record.

By the Commission



ATTEST:



Executive Director

Richard O Meier
President
Big Bear Wastewater, Inc.
3499 Big Bear Highway
Benton, KY 42025