

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PROPOSED ACQUISITION BY	)	
BLUEGRASS WATER UTILITY OPERATING	)	
COMPANY, LLC AND THE TRANSFER OF	)	
OWNERSHIP AND CONTROL OF ASSETS	)	
BY: DELAPLAIN DISPOSAL COMPANY;	)	CASE NO.
HERRINGTON HAVEN WASTEWATER	)	2020-00297
COMPANY, INC; SPRINGCREST SEWER	)	
COMPANY, INC; AND WOODLAND ACRES	)	
UTILITIES, LLC	)	

ORDER

On September 16, 2020, Bluegrass Water Utility Operating Company, LLC (Bluegrass Water); Delaplain Disposal Company (Delaplain); Herrington Haven Wastewater Company, Inc. (Herrington Haven); Springcrest Sewer Company, Inc. (Springcrest); and Woodland Acres Utilities, LLC (Woodland Acres) (collectively, Joint Applicants) filed a joint application for approval of the transfer of the wastewater treatment plants, collection systems, and other assets of Delaplain, Herrington Haven, Springcrest, and Woodland Acres to Bluegrass Water.

KRS 278.020(7) requires the Commission to render a decision on the proposed transfer within 60 days of filing unless good cause exists to continue the application for an additional 60 days. The Commission find that an investigation of the proposed acquisition is necessary to determine its reasonableness, and that good cause exists to extend the 60 days for a decision set forth in KRS 278.020(7) for an additional 60 days because among other things, this application requests approval for the transfer of four

sewage collection and treatment utilities, and such, that additional time will be required to review this matter. In addition, the Commission finds that a procedural schedule should be established to ensure an orderly review of Joint Applicants' application. The Commission directs the Joint Applicants to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085.<sup>1</sup> The Commission expects the original documents to be filed with the Commission within 30 day of the lifting of the current state of emergency.

All requests for intervention should be filed by October 21, 2020. Any motion to intervene filed after October 21, 2020, should show a basis for intervention and good cause for being untimely. As set forth in 807 KAR 5:001, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding which is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Further, KRS 278.040(2) requires that a person seeking intervention must have an interest in the rates or service of a utility, as those are the only matters that are subject to the Commission's jurisdiction.

Based on the foregoing, the Commission further finds that any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented or the issues and facts the person

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<sup>1</sup> Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

will present that will assist the Commission in fully considering the matter. A mere recitation that the person is served by the Joint Applicants by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

IT IS HEREBY ORDERED that:

1. The time in which the Commission shall render its decision on the Joint Applicants' application is extended an additional 60 days from November 15, 2020, to January 14, 2021, pursuant to KRS 278.020(7).

2. Any motion to intervene shall be filed by October 21, 2020.

3. Any motion to intervene filed after October 21, 2020, shall show a basis for intervention and good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

4. Requests for information to Joint Applicants shall be filed no later than October 21, 2020.

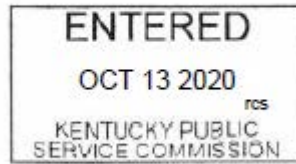
5. Joint Applicants' responses to requests for information shall be filed no later than November 4, 2020.

6. Supplemental requests for information to Joint Applicants shall be filed no later than November 18, 2020.

7. Joint Applicants' responses to supplemental requests for information shall be filed no later than December 2, 2020.

8. Joint Applicants' or any Intervenor shall request either a hearing or that the case be submitted for decision based on the record no later than December 4, 2020.

By the Commission



ATTEST:

A handwritten signature in blue ink, appearing to read "Kurt Orr", written over a horizontal line.

Acting Executive Director

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