

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
ESSENTIAL UTILITIES, INC., LDC FUNDING,)	
LLC, LDC HOLDING LLC, PNG COMPANIES)	CASE NO.
LLC, AND DELTA NATURAL GAS COMPANY,)	2021-00283
INC. FOR APPROVAL OF AN INDIRECT)	
CHANGE OF CONTROL OF DELTA NATURAL)	
GAS COMPANY, INC.)	

ORDER

On July 7, 2021, Essential Utilities, Inc. (Essential), LDC Funding LLC (LDC Funding), LDC Holdings LLC (LDC Holdings), PNG Companies LLC (PNG), and Delta Natural Gas Company, Inc. (Delta Gas) (collectively, Joint Applicants) jointly filed an application, pursuant to KRS 278.020(6) and KRS 278.020(7), requesting approval of LDC Funding’s acquisition of indirect control of Delta Gas, a utility subject to the Commission’s jurisdiction.

KRS 278.020(7) states that the Commission shall render a decision on an application for the acquisition of control of a jurisdictional utility within 60 days after the application was filed, unless it is necessary to continue the application for up to 60 additional days, for good cause. Based upon a review of the application, the Commission finds that an investigation will be necessary and that the investigation cannot be completed by September 5, 2021. Therefore, the Commission will continue the application for up to 60 additional days, up to and including November 4, 2021.

The Commission also finds that a procedural schedule should be established for the orderly processing of this case. A procedural schedule is set forth in the Appendix to this Order.

IT IS THEREFORE ORDERED that:

1. This case shall be continued for 60 additional days, up to and including November 4, 2021.

2. The procedural schedule set forth in the Appendix to this Order shall be followed.

3. a. Responses to requests for information shall be appropriately bound, tabbed, and indexed, with the original in paper medium and an electronic version to the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an 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.

c. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8, and shall also file the original in paper medium. The original in paper medium shall be appropriately bound, tabbed, and indexed. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's March 16, 2020 and March 24, 2020 Orders in Case No. 2020-00085¹ regarding filings with the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency.

5. 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)

¹ 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.

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. Therefore, 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 that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed 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. In addition, any motion to intervene filed after August 9, 2021, shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

6. Joint Applicants shall give notice of any scheduled hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov." At the time publication is requested, Joint Applicants shall forward a duplicate of the notice and request to the Commission.

7. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

8. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

9. The Commission does not look favorably upon motions for continuance. Accordingly, 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.

10. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

By the Commission

ENTERED
JUL 22 2021 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2021-00283

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00283 DATED JUL 22 2021

Last day for intervention requests to be accepted.....	07/30/2021
All initial requests for information to Joint Applicants shall be filed no later than.....	08/02/2021
Joint Applicants shall file responses to initial requests for information no later than.....	08/11/2021
All supplemental requests for information to Joint Applicants shall be filed no later than	08/20/2021
Joint Applicants shall file responses to supplemental requests for information no later than	08/31/2021
Intervenor testimony, if any, in verified prepared form shall be filed no later than	09/08/2021
All requests for information to Intervenors shall be filed no later than.....	09/13/2021
Intervenors shall file responses to requests for information no later than.....	09/20/2021
Joint Applicants shall file, in verified form, its rebuttal testimony no later than	09/23/2021
Last day for Parties to request a Public Hearing or submit a request for the matter be decided based upon the written record	09/23/2021

*Emily Bennett
Delta Natural Gas Company, Inc.
3617 Lexington Road
Winchester, KY 40391

*John B Brown
Chief Financial Officer
Delta Natural Gas Company, Inc.
3617 Lexington Road
Winchester, KY 40391

*Monica Braun
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*Delta Natural Gas Company, Inc.
3617 Lexington Road
Winchester, KY 40391