

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JUN 05 2015
PUBLIC SERVICE
COMMISSION

In the Matter of:

APPLICATION OF BULLITT UTILITIES, INC.)
FOR A CERTIFICATE OF CONVENIENCE AND) CASE NO 2014-00255
NECESSITY AND SURCHARGE FOR SAME)

**MEMORANDUM IN OPPOSITION TO THE ATTORNEY GENERAL'S
MOTION TO SUBMIT MATTER TO DECISION ON THE RECORD
WITH AN OPPORTUNITY TO FILE BRIEF**

Comes Bullitt Utilities, Inc. ("Bullitt Utilities"), by counsel, and for its Memorandum in Opposition to the Attorney General's Motion to Submit Matter to Decision on the Record with an Opportunity to File Brief, states as follows:

The Attorney General requests the Public Service Commission to cancel the June 9, 2015 formal hearing in this matter and preclude Bullitt Utilities "from using any documents either in the record or that would be new to the record" based on Bullitt Utilities' failure to file its witness list, pre-filed testimony and exhibit list. However, on June 4, 2015, Bullitt Utilities filed its Witness List¹, and on June 5, 2015, filed its Pre-Filed testimony and Exhibit List. It has also filed its Motion for Extension of Time requesting the Commission to allow it through June 5, 2015 to file these documents.

In support of its Motion for Extension of Time, Bullitt Utilities notes that the Pre-Filed Testimony of Christopher G. Cogan basically incorporates by reference statements that are already in the record in the Amended Application for Surcharge and in Bullitt Utilities's

¹Lawrence W. Smither will not be available to testify at the June 9, 2015 hearing, as he is attending a class required in order to maintain his certification.

responses to Commission Staff's Information Requests and the Attorney General's Information Requests. The same is true of the Pre-Filed testimony of Chris Crumpton, which basically incorporates by reference the statements made in his April 30, 2014, July 22, 2014, and May 20, 2015 reports setting forth the results of the investigation of the failure of the Hunters Hollow WWTP. Both of these individuals have already been subject to cross examination by the parties in the formal hearing in PSC Case No. 2014-00163. Bullitt Utilities further notes that the vast majority of its exhibits identified on its list filed with the Commission on June 5, 2015, are already in the record. The documents that are not already in the record primarily consist of updated bills and correspondence from companies that have provided service to Bullitt Utilities in the last several months. Because Bullitt Utilities has now filed its Witness List, Exhibit List and Pre-Filed testimony, the Commission should not cancel the hearing or preclude Bullitt Utilities from using any documents in the record or that are new to the record.

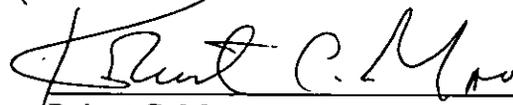
The Attorney General claims that Bullitt Utilities has not published the required notice of the hearing in requesting the Commission to cancel the hearing. Contrary to this allegation, Bullitt Utilities published the required notice in The Pioneer News on May 28, 2015, and intends to introduce a copy of the notice as an exhibit during the formal hearing. A copy of the notice will be filed with the Commission on June 5, 2015. The Attorney General's claim that Bullitt Utilities did not publish the required notice of the public hearing is simply without merit.

The Attorney General requests the Commission to cancel the formal hearing, but then does an about-face and asks the Commission to allow the introduction of public comments into the record. Allowing public comments to be introduced during the formal hearing is the proper way to introduce this testimony into the record.

Based upon Bullitt Utilities' compliance with the Commission's Order, albeit 2 or 3 days late, Bullitt Utilities requests the Commission to deny the Attorney General's motion.

For the reasons set forth above, as well as those stated in Bullitt Utilities' Motion for Extension of Time, the Attorney General will not suffer any prejudice by the denial of its motion and the granting of Bullitt Utilities' Motion for Extension of Time.

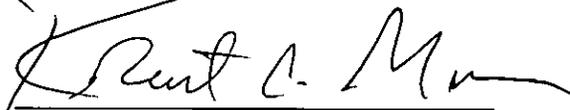
Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by hand delivery on Jeff Derouen, Executive Director, Public Service Commission, 211 Sower Blvd., P.O. Box 615, Frankfort, Kentucky 40602 and by first class mail and electronic mail on Gregory T. Dutton and Jennifer Black Hans, Assistant Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601-8204, on this the 5th day of June, 2015



Robert C. Moore