

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AIRVIEW UTILITIES, LLC’S NOTICE OF)	
SURRENDER AND ABANDONMENT)	CASE NO. 2016-00207
OF UTILITY PROPERTY)	

MOTION TO DISMISS, WITHOUT PREJUDICE

Comes Airview Utilities, LLC (“Airview”), and for its Motion to Dismiss, Without Prejudice, states as follows.

1. In accordance with KRS 278.020(11), on June 8, 2016, Airview provided written notice to the statutorily required parties of its intention to file an application with the Public Service Commission (“Commission”) to abandon its utility property and surrender all of its property interests and rights in and to the utility’s property.

2. On June 16, 2016, Airview filed with the Commission its Notice of Surrender and Abandonment of Utility Property. By Order entered on July 15, 2016, the Commission accepted the filing of Airview’s Notice of Surrender and Abandonment of Utility Property.

3. On April 16, 2019, Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water”) filed its Electronic Proposed Acquisition By Bluegrass Water Utility Operating Company, LLC and the Transfer of Ownership and Control of Assets by P.R. Wastewater Management, Inc., Marshall County Environmental Services, LLC, LH Treatment Company, LLC, Kingswood Development , Inc., Airview Utilities, LLC, Brocklyn Utilities,

LLC, Fox Run Utilities, LLC, and Lake Columbia Utilities, Inc. (“Joint Application”), which was assigned PSC Case No. 2019-00104.

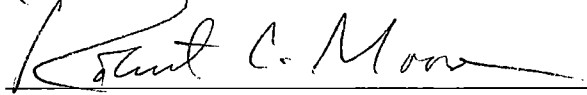
4. On August 14, 2019, the Public Service Commission issued its Order approving, among things, the transfer of Airview’s assets to Bluegrass Water, contingent upon Bluegrass Water’s compliance with the conditions set forth in the Appendix to the Order.

5. On August 23, 2019, Bluegrass Water filed its Motion for Informal Conference in PSC Case No. 2019-00104. Bluegrass Water stated in said motion that it “intends to fulfill and discharge the commitments listed in the 8/14/19 Order.” (See Motion for Informal Conference at paragraph 2; Attachment 1).

6) The closing of the transfer of the assets of Airview to Bluegrass Water has been scheduled for September 19, 2019.

7) Because the assets of Airview are to be transferred to Bluegrass Water pursuant to the Agreement for Sale of Utility System entered into by Airview and Bluegrass Water, the Notice of Surrender and Abandonment of Utility Property filed with respect to Airview has been rendered moot. Therefore, Airview moves dismiss the above-styled Notice of Surrender and Abandonment of Utility Property, PSC Case No. 2016-00207.

Respectfully submitted,



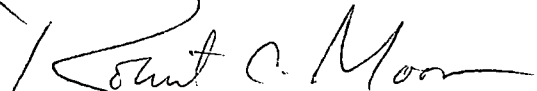
Robert C. Moore
Katie M. Glass
STITES & HARBISON PLLC
421 West Main Street
P.O. Box 634
Frankfort, KY 40602-0634
Telephone: (502) 223-3477
Email: rmoore@stites.com
COUNSEL FOR AIRVIEW UTILITIES, LLC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by electronic mail, on this 13TH day of September, 2019 upon:

Kent A. Chandler
Kent.Chandler@ky.gov
Rebecca W. Goodman
Rebecca.goodman@ky.gov
Assistant Attorneys General
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601-8204

Deborah Shaw
City Attorney
City of Elizabethtown
P.O. Box 550
Elizabethtown, KY 42702
city.attorney@elizabethtownky.gov



Robert C. Moore