

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC VERIFIED JOINT APPLICATION)	
OF EASTERN ROCKCASTLE WATER)	
ASSOCIATION, INC. AND KENTUCKY-)	CASE NO.
AMERICAN WATER COMPANY FOR THE)	2017-00383
TRANSFER OF CONTROL AND ASSETS)	

ORDER

On September 22, 2017, Kentucky-American Water Company (“Kentucky American”) and Eastern Rockcastle Water Association, Inc. (“Eastern Rockcastle”) (collectively, “Joint Applicants”) filed an application for the approval of Kentucky American to acquire Eastern Rockcastle’s assets pursuant to an Asset Purchase Agreement (“APA”).

The transfer of ownership of a utility is governed by KRS 278.020, Sections 6 and 7, and the latter subsection requires the Commission to adjudicate such applications within 60 days of filing, unless good cause exists to continue the application for an additional 60 days. Here, we find that an investigation of the proposed acquisition is necessary to determine its reasonableness, and that the investigation cannot be completed within 60 days of the filing date of the application. The procedural schedule is attached as an Appendix to this Order and is incorporated herein.

IT IS THEREFORE ORDERED that:

1. Joint Applicants' request for approval of the proposed transfer of ownership and control is continued for an additional 60 days from November 20, 2017, to January 19, 2018, pursuant to KRS 278.020(7).

2. The procedural schedule for processing the review of the proposed transfer of ownership and control is attached hereto as an Appendix and shall be followed in this case.

3. Any party filing a paper with the Commission shall file an original and six copies in paper medium, with an electronic version. The original and six copies in paper medium shall be appropriately bound, tabbed, and indexed.

4. All parties shall respond to any interrogatories or requests for production of documents that Commission Staff submits in accordance with the procedural schedule set forth in the Appendix.

5. a. Responses to requests for information in paper medium shall be appropriately bound, tabbed and indexed, and shall include the name of the witness responsible for responding to the questions related to the information provided, with the original and six copies to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or 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. Any 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 personal information cannot be read.

6. Any motion to intervene filed after October 20, 2017, 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. 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. 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.

7. Joint Applicants shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2)(b). 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.

8. At any public hearing on this matter, neither opening statements nor closing summarization of direct testimonies shall be permitted.

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

10. 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.

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

By the Commission

ENTERED
OCT 17 2017
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2017-00383

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2017-00383 DATED **OCT 17 2017**

Requests for intervention shall be filed no later than10/20/17

All initial requests for information to Joint Applicants
shall be filed no later than10/25/17

Joint Applicants shall file responses to
initial requests for information no later than.....11/06/17

All supplemental requests for information to
Joint Applicants shall be filed no later than11/20/17

Joint Applicants' responses to supplemental requests
for information shall be filed no later than12/04/17

A request for a formal hearing or statement that
this case may be submitted based on the existing
record shall be filed no later than12/08/17

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