

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REMOVAL OF BUSH GARDENS ENTERPRISES,)	CASE NO.
LLC FROM PUBLIC SERVICE COMMISSION)	2020-00013
JURISDICTION)	

ORDER

On March 24, 2016, the Commission approved the initial operation and rates for Bush Gardens Enterprises, LLC (Bush Gardens). At the time the Commission approved the initial rates, Bush Gardens was providing service free of charge to approximately eight customers in the Bush Gardens subdivision in Johnson County, Kentucky.

On August 24, 2018, Bush Gardens filed a letter with the Commission¹ requesting that the Commission remove Bush Gardens from the list of active utilities in Kentucky. As grounds for its request, Bush Gardens states that on August 13, 2018, Bush Gardens' wastewater treatment plant ceased operation and was replaced by a community leach field owned and operated by Bush Gardens Waste Water Association, Inc., an entity solely comprised of residents of the subdivision. The residents will be responsible for the maintenance and operation of the communal leach field. The residents did not purchase any of Bush Gardens' assets or stocks and simply connected their sewer lines to the communal leach field. On Bush Gardens' information and belief, the communal leach field will only serve the residents of the subdivision. Bush Gardens further stated that the

¹ Attached as the Appendix to the Order.

Kentucky Division of Water had approved a decommissioning plan for Bush Gardens' treatment plant.

Because no change of utility ownership occurred, KRS 278.020(6) does not apply.² Furthermore, because Bush Gardens Waste Water Association, Inc. will only provide service to residents of the subdivision, it does not meet the definition of a utility in KRS 278.010(f) as it will not be providing service "to the public."

The Commission finds that Bush Gardens is no longer a utility operating under Commission jurisdiction.

IT IS THEREFORE ORDERED that:

1. Bush Gardens is removed from Commission records as an operating public utility.
2. This case is closed and removed from the Commission's docket.

² See Case No. 90-129, *Removal of Third Street Sanitation, Inc. from Public Service Commission Jurisdiction*, (Ky. PSC May 2, 1990).

By the Commission

ENTERED
JAN 24 2020
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

*Bush Gardens Enterprises, LLC
1700 US Highway 23 South
Hagerhill, KY 41222

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