

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE)	
IMPACT OF MADISON COUNTY FISCAL)	CASE NO.
COURT'S USE OF MADISON COUNTY UTILITIES)	2021-00422
DISTRICT'S SYSTEM FOR ITS FIBER OPTIC)	
CABLE INSTALLATION PROJECT)	

ORDER

On November 22, 2021, the Commission initiated an investigation to review Madison County Utilities District (Madison District), and its involvement in the Madison County Fiscal Court's (Madison Fiscal Court) Fiber Optic Cable Installation Project. During Case No. 2021-00218,¹ the Commission was made aware of Madison Fiscal Court's project to install fiber optic cable using Madison District's water system. Information filed in the record in Case No. 2021-00218,² throughout multiple rounds of discovery, showed that Madison District is taking part in a project to install broadband fiber optic cable owned by the Madison Fiscal Court in water lines owned by Madison District.

On December 13, 2021, the Division of Water filed a letter indicating that they had not received finalized plans or specifications for the project.³ On February 8, 2022, the

¹ Case No. 2021-00218, *Electronic Application of Madison County Utilities District for an Alternative Rate Adjustment* (filed June 24, 2021).

² Case No. 2021-00218, Madison District's Response to Commission Staff's Second Request for Information (Response to Staff's Second Request) (filed Sept. 30, 2021), Item 2.

³ Division of Water's Response to Commission Staff Letter (filed Dec. 13, 2021).

Commission granted Madison District's request for an extension of time to file a response to the opening Order.⁴ On February 14, 2022, Kirksville Water Association (Kirksville Water) filed a motion to intervene which was granted by Order entered on February 28, 2022.⁵ On February 14, 2022, Madison Fiscal Court filed a motion to intervene which was granted by Order entered on February 28, 2022.⁶ Madison District responded to three data requests.⁷ The Commission held a hearing on August 24, 2022. Madison District, jointly with the Madison Fiscal Court, filed a brief on prescriptive easements.⁸

The record is complete, and the matter stands ready for a decision.

BACKGROUND

Madison District is a water district created in accordance with KRS Chapter 74 in 1996 when three districts merged.⁹ As of December 31, 2021, the district served 10,826 residential customers, 712 commercial customers, 3 industrial customers, and 20 public authorities in Madison County, Kentucky.¹⁰ Kirksville Water is a water association created

⁴ Madison District's First Request for More Time (filed on Jan. 28, 2022) and Order (Ky. PSC Feb. 8, 2022).

⁵ Kirksville Association's Motion to Intervene (filed Feb. 14, 2022) and Order (Ky. PSC Feb. 28, 2022).

⁶ Madison Fiscal Court's Motion to Intervene (filed Feb. 14, 2022) and Order (Ky. PSC Feb. 28, 2022).

⁷ Madison District's Response to Order, Appendix B (filed Feb. 14, 2022), Madison District's Response to Commission Staff's Second Request for Information (filed Mar. 14, 2022), and Madison District's Response to Commission Staff's Post-Hearing Request for Information (filed on Sept. 29, 2022).

⁸ Madison District's Easement Brief (filed Sept. 29, 2022).

⁹ Case No. 1996-00012 *Proposed Merger of Kingston-Terrill Water District, Waco Water District and White Hall Water District* (Ky. PSC Aug. 29, 1996).

¹⁰ *Annual Report of Madison District to the Public Service Commission for the Year Ending December 31, 2021* (Madison District's 2021 Annual Report) at 11, 50.

pursuant to KRS Chapter 273 in 1970.¹¹ As of December 31, 2021, Kirksville Water served 1,867 residential customers, 91 commercial customers and one public authority in Garrard and Madison counties, Kentucky.¹²

On May 24, 2021, Madison District filed¹³ for an alternative rate adjustment.¹⁴ During that case, the Commission became aware that a project was being undertaken to install broadband fiber optic lines within water lines belonging to Madison District. Based on the information provided in both Case No. 2021-00218 and this case, the following information has been established. Madison Fiscal Court and Madison County Emergency Management Agency and the Chemical Stockpile Emergency Preparedness Program (Madison EMA/CSEPP) received funding from the federal government to upgrade the emergency radio system in the seven county CSEPP area.

The two entities proposed to Madison District, Kirksville Water, and Southern Madison Water District to utilize existing water lines belonging to the utilities as a cost-effective way to install fiber optic wires via a smaller messenger pipe.¹⁵ Madison District and Kirksville Water were interested in the proposal, but no contracts were executed.¹⁶ Madison Fiscal Court prepared a draft memorandum of understanding regarding

¹¹ *Annual Report of Kirksville Water to the Public Service Commission for the Year Ending December 31, 2021* (Kirksville Water's 2021 Annual Report) at 9.

¹² Kirksville Water's 2021 Annual Report at 12, 49.

¹³ The application was deemed deficient, and the deficiency was not deemed cured until June 23, 2021.

¹⁴ Case No. 2021-00218 *Electronic Application of Madison County Utilities District for an Alternative Rate Adjustment* (Ky. PSC Jan. 5, 2022).

¹⁵ Hearing Video Transcript (HVT) of the Aug. 24, 2022 Hearing at 09:27:16–09:29:40, Reagan Taylor Testimony.

¹⁶ HVT of the Aug. 24, 2022 Hearing at 09:29:46–09:30:05, Reagan Taylor Testimony.

installation of the fiber optic cable in Madison District water lines.¹⁷ The memorandum was never executed by Madison District.¹⁸

Madison Fiscal Court and Madison EMA/CSEPP selected CRALEY Group Limited (CRALEY) as the provider of the product and purveyor of installation.¹⁹ Madison Fiscal Court entered into a contract with CRALEY to obtain equipment and services for the sum of \$704,141.²⁰

The Commission held a hearing on August 24, 2022. Madison District called the following witnesses: Reagan Taylor, Madison County Judge Executive; Dustin Heiser, Director, Madison EMA/CSEPP; Chris Iseral, Madison County Chief Information Officer; Mike Parker, Chief Technology Officer, CRALEY Limited Group; Brandon Baxter, Engineer, HMB Engineering; Fred Buckenmeyer, former Public Work Administrator for Anacortes, Washington; and Jim Carr, Chairman, Madison District.

Judge Taylor testified about his role as Madison County Judge Executive in evaluation and pursuit of implementing the proposed project and seeking Madison District and Kirksville Water's involvement. He indicated that the purpose of the proposed project was to bolster emergency communication services due, in part, to the presence in Madison County of the Bluegrass Army Depot, which is tasked with destroying dangerous chemical agents, including mustard gas.²¹ Judge Taylor stated that the idea of using

¹⁷ Case No. 2021-00218, Response to Staff's Second Request, Attachment 3 (Memorandum of Understanding).

¹⁸ Madison District's Response to Commission Staff's Second Request for Information, Item 1(b).

¹⁹ Case No. 2021-00218, Response to Staff's Second Request, Item 1.

²⁰ Case No. 2021-00218, Response to Staff's Second Request, Attachment 4 (CRALEY Contract).

²¹ HVT of the Aug. 24, 2022 Hearing at 09:15:26–09:17:27, Reagan Taylor Testimony.

water lines to run fiber optic cable was first brought to his attention by Chris Iseral.²² Madison Fiscal Court did not inquire or request proposals from any other company besides CRALEY regarding installing cable in water lines.²³ Judge Taylor stated that he arranged a meeting and invited representatives of several local water utilities, including Jim Carr, Chairman of Madison District, Wayne Long, Chairman of Kirksville Water, and Jud Patterson, counsel for Madison District and Kirksville Water, to discuss the proposed project, and that Madison District and Kirksville Water were open to the idea.²⁴

Judge Taylor further testified that the proposed project would not involve Madison District shouldering any costs, and that Madison Fiscal Court would bear the costs of any use of Madison District employees, water loss, water line disinfection and flushing, boil advisories, or service interruption notices.²⁵ He also stated that any agreement was intended to include indemnification against damage to the fiber optic cable system by the utilities.²⁶ Judge Taylor did contemplate the possibility of compensating the utilities for use of the water lines for fiber optic cable installation.²⁷

Mr. Heiser described the purported purpose of the project as it pertains to improvement of emergency communication systems, including the Regional Public Safety Radio System and his involvement with obtaining a contract with CRALEY. Mr. Heiser testified that the purpose of the proposed project was to create redundancies within the

²² HVT of the Aug. 24, 2022 Hearing at 09:23:30–09:23:42, Reagan Taylor Testimony.

²³ HVT of the Aug. 24, 2022 Hearing at 09:23:48–09:24:14, Reagan Taylor Testimony.

²⁴ HVT of the Aug. 24, 2022 Hearing at 09:27:16–09:29:40, Reagan Taylor Testimony.

²⁵ HVT of the Aug. 24, 2022 Hearing at 09:38:43–09:39:45, Reagan Taylor Testimony.

²⁶ HVT of the Aug. 24, 2022 Hearing at 09:38:43–09:39:45, Reagan Taylor Testimony.

²⁷ HVT of the Aug. 24, 2022 Hearing at 10:18:52–10:19:17, Reagan Taylor Testimony.

emergency communication system, currently comprised of a series of microwave towers.²⁸ Mr. Heiser testified that Madison County evaluated other fiber optic cable installation options, including leasing pole attachments and directional boring to lay cable. Pole attachments were rejected because of the risk of storm damage interrupting emergency communication services and the fact that federal funding could not be used on leases.²⁹ Directional boring was rejected because the estimated costs were greater than utilizing the existing water lines.³⁰

Mr. Iseral testified about development of the proposed project and some of its technical details. He stated that a series of communications vaults would be constructed adjacent to each valve in the water line, with a cable leaving the end of a pipe section and connecting to the vault and another cable exiting the vault and entering the next pipe section, bypassing the valve.³¹ The excavation, running of cable, and construction of vaults would be performed by the Madison County Road Department.³² The planned construction involved installation of 75 vaults in Madison District pipes and 54 vaults in Kirksville Water's pipes.³³ The running of the cable is expected to take 14 days, with the vaults being constructed ahead of time.³⁴ Mr. Iseral stated that the fiber optic cable

²⁸ HVT of the Aug. 24, 2022 Hearing at 10:52:01–10:53:10, Dustin Heiser Testimony.

²⁹ HVT of the Aug. 24, 2022 Hearing at 11:02:55–11:04:03, Dustin Heiser Testimony.

³⁰ Madison Fiscal Court's estimate for directional boring costs was \$3,696,080 to \$5,623,076. Case 2021-00218, Madison District's Response to Commission Staff's Third Request for Information, Item 12.

³¹ HVT of the Aug. 24, 2022 Hearing at 13:15:07–13:15:33, Chris Iseral Testimony.

³² HVT of the Aug. 24, 2022 Hearing at 13:15:37–13:16:11, Chris Iseral Testimony.

³³ HVT of the Aug. 24, 2022 Hearing at 13:16:13–13:16:22, Chris Iseral Testimony.

³⁴ HVT of the Aug. 24, 2022 Hearing at 13:16:24–13:16:46, Chris Iseral Testimony.

technology could support meter reading and leak detection.³⁵

Mike Parker, Chief Technical Officer for CRALEY, testified about the fiber optic cable installation process on behalf of CRALEY. Mr. Parker provided additional information to the Commission regarding the installation and materials used in the installation of glass fiber optic in water lines. According to Mr. Parker, there are multiple benefits of water systems utilizing fiber optics, including leak detection and an ability to detect digging near pipes and key facilities.³⁶ As part of the installation, a hollow messenger pipe made of HDPE is pulled through the water pipe.³⁷ HDPE is malleable with a longer life span than PVC or steel and is not prone to long-term degradation.³⁸ When asked about ruptures of the messenger pipe or water pipes, Mr. Parker assured the Commission that water service is the top priority and it would need to be addressed first in the event of a rupture of pipe or issue with the fiber.³⁹

Brandon Baxter is an engineer for HMB Engineering. He was hired by Madison Fiscal Court⁴⁰ to examine how installation of the fiberoptic cables would affect water pressure and compliance with Division of Water standards. He prepared an initial report;⁴¹ however, at the hearing, Mr. Baxter acknowledged that his analysis was based on at least two inaccurate pieces of information. He did not use the correct number of

³⁵ HVT of the Aug. 24, 2022 Hearing at 13:18:53–13:18:27, Chris Iseral Testimony.

³⁶ HVT of the Aug. 24, 2022 Hearing at 13:43:40–13:44:35, Mike Parker Testimony.

³⁷ HVT of the Aug. 24, 2022 Hearing at 13:50:14–13:53:20 Mike Parker Testimony.

³⁸ HVT of the Aug. 24, 2022 Hearing at 13:50:14–13:53:20 Mike Parker Testimony.

³⁹ HVT of the Aug. 24, 2022 Hearing at 14:05:56–14:07:11, Mike Parker Testimony.

⁴⁰ HVT of the Aug. 24, 2022 Hearing at 15:16:00–15:17:47, Brandon Baxter testimony.

⁴¹ The initial report was included in a Response filed by Madison District on February 14, 2022.

fiber optic cables or the correct pipe size for several segments.⁴² An amended report and conclusion was submitted as part of the response to the post-hearing data requests.⁴³ He concluded that the project would have a minimal impact on the two water systems. The report indicated that the project would result in service interruptions and a minor decrease in pressure but would not result in any violations of water pressure requirements.

Mr. Buckenmeyer testified about his involvement with a similar project he oversaw in Anacortes, Washington. The city wanted to improve broadband access and although utilizing water lines to run fiber optic cables is not done frequently in the United States, Anacortes worked with CRALEY to run fiber optic cable for the city. According to Mr. Buckenmeyer, the city utilizes the fiber optics for leak detection as well and it has been incredibly effective.⁴⁴ Mr. Buckenmeyer did note that the city had redundant water lines so only one customer experienced an outage during the installation of the fiber.⁴⁵

Jim Carr, Chairman of Madison District, testified about the impact of the project on water service and the conditions Madison Fiscal Court would need to meet in order to be permitted to use the water lines for fiber optic cable. Mr. Carr testified that he met with Chris Iseral to discuss the technical details of the project.⁴⁶ He stated that construction

⁴² HVT of the Aug. 24, 2022 Hearing at 15:15:49–15:16:00, Brandon Baxter testimony.

⁴³ Wet Fiber Hydraulic Analysis Revised (filed Sept. 29, 2022).

⁴⁴ HVT of the Aug. 24, 2022 Hearing at 15:41:40–15:41:45 and 15:47:05–15:49:20, Fred Buckenmeyer testimony.

⁴⁵ HVT of the Aug. 24, 2022 Hearing at 15:49:20–15:50:06, Fred Buckenmeyer testimony.

⁴⁶ HVT of the Aug. 24, 2022 Hearing at 16:03:18–16:03:58, Jim Carr Testimony.

would not be permitted to proceed until a written contract was signed by the parties.⁴⁷ Mr. Carr indicated that for the project to begin, he would require Madison Fiscal Court to agree to meet water quality and pressure standards, hold Madison District harmless for any related liability, and bear all associated new costs.⁴⁸ These costs included all construction costs,⁴⁹ labor costs for Madison District oversight of construction and maintenance,⁵⁰ attorneys' fees,⁵¹ the cost of service interruption or boil advisory notices,⁵² and water loss from construction or flushing lines.⁵³ Mr. Carr stated that he had no interest in charging for the use of the water lines if it would benefit Madison District's customers, as he believed the fiber optic project would do.⁵⁴

LEGAL STANDARD

On its own motion, pursuant to KRS 278.260, the Commission initiated an investigation. As Madison District and Kirksville Water are public utilities subject to the Commission's jurisdiction, the legal standard relevant to this investigation is found in KRS 278.030(2): "[e]very utility shall furnish adequate, efficient and reasonable service, and may establish reasonable rules governing the conduct of its business and the conditions under which it shall be required to render service." Furthermore, the commissioners of a

⁴⁷ HVT of the Aug. 24, 2022 Hearing at 16:08:25–16:08:31, Jim Carr Testimony.

⁴⁸ HVT of the Aug. 24, 2022 Hearing at 16:03:58–16:04:32, Jim Carr Testimony.

⁴⁹ Memorandum of Understanding, Section 3.

⁵⁰ Memorandum of Understanding, Section 6-7.

⁵¹ HVT of the Aug. 24, 2022 Hearing at 16:09:12–16:09:25, Jim Carr Testimony.

⁵² HVT of the Aug. 24, 2022 Hearing at 16:23:42–16:24:13, Jim Carr Testimony.

⁵³ Memorandum of Understanding, Section 9.

⁵⁴ HVT of the Aug. 24, 2022 Hearing at 16:14:16–16:15:57, Jim Carr Testimony.

water district, as managers of the business of the district pursuant to KRS 74.070, owe a fiduciary duty to the district's ratepayers to protect their interests.⁵⁵

KRS 273.207 provides that "the affairs of a corporation shall be managed by a board of directors." Similarly to KRS 74.070, KRS 273.215 provides that,

- (1) A director of a nonprofit corporation subject to the provisions of KRS 273.161 to 273.387 shall discharge his duties as a director, including his duties as a member of a committee:
 - (a) In good faith;
 - (b) On an informed basis; and
 - (c) In a manner he honestly believes to be in the best interests of the corporation.
- (2) Such director shall be considered to discharge his duties on an informed basis if he makes, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, inquiry into the business and affairs of the corporations, or into a particular action to be taken or decision to be made.

KRS 273.215 is applicable in conjunction with KRS 278.012, granting the Commission jurisdiction over a water association.

DISCUSSION AND FINDINGS

Based on the evidence in the record and for the reasons discussed below, the Commission finds that there is not sufficient evidence that the Madison Fiscal Court will impair the ability of Madison District and Kirksville Water to furnish adequate, efficient and reasonable water service by implementing the fiber optic cable project.

The Commission will examine several aspects of the project as it relates to adequate, efficient and reasonable water service. First, the construction project and

⁵⁵ Case No. 2020-00154, *Electronic Martin County Water District Management and Operation Monitoring Pursuant to KRS 278.250* (Ky. PSC July 22, 2020), Order at 7.

future maintenance and repair of the fiber optic lines may affect water service. Second, the existence or lack of contractual safeguards may affect the ability of these utilities to provide service and possibly affect the fiscal health of the utilities. Benefits available to the utilities that could improve service as a result of this project should be considered.

No witness in this case was able to estimate the number or duration of service interruptions or number of customers affected during the installation of the fiber into the water lines. The number of interruptions may be estimated using documentation provided by CRALEY. Using the planned method of “de-pressurized” installation will require “two pipe downtime and pipe draining periods” per communication vault constructed.⁵⁶ A third interruption will be required for each pipe segment to flush the pipes after construction.⁵⁷ The proposed project includes construction of 75 communication vaults alongside Madison District’s water lines and 54 for Kirksville Water’s lines.⁵⁸ Madison District could not identify whether any redundant water line pathways exist to prevent service interruptions.⁵⁹ Therefore, the project will result in at least 387 service interruptions of unknown duration affecting an unknown number of customers. Additional service interruptions may occur as a result of maintenance or repair of fiber optic lines.⁶⁰ However, the utilities and the Madison Fiscal Court acknowledged a concerted effort to minimize these interruptions to the fullest extent possible during the installation process.

⁵⁶ Case No. 2021-00218, Responses to Staff’s Second Request, Attachment 1, (Broadband study for Madison County Utilities) at 57.

⁵⁷ Broadband study for Madison County Utilities at 57.

⁵⁸ HVT of the Aug. 24, 2022 Hearing at 13:16:13–13:16:22, Chris Iseral Testimony.

⁵⁹ HVT of the Aug. 24, 2022 Hearing at 16:18:29–16:18:48, Jim Carr Testimony.

⁶⁰ Memorandum of Understanding, Section 7.

Other potentially adverse effects on service involve minimal consequences or costs that the Madison Fiscal Court has agreed to absorb. No evidence indicates that the project will impair water quality. During Mike Parker's testimony, he described the efforts to ensure sterilization.⁶¹ According to the hydraulic analysis performed by both CRALEY and HMB, the effect on water pressure will be minimal.⁶² The number of strands of fiber optic cable to be run were adjusted in consideration of the smaller size pipe.⁶³ According to Brandon Baxter's report, even with the fiber lines in the messenger pipe, both districts will be able to maintain pressure well above the level required by the Division of Water.⁶⁴

Despite the adverse effect of service interruptions, the project may also benefit the utilities. The fiber optic technology will make available electronic metering and leak sensing technology, for a cost. Considering that both Madison District⁶⁵ and Kirksville Water⁶⁶ currently have water loss rates in excess of regulation limits for purposes of ratemaking,⁶⁷ they should consider the usefulness of this technology in reducing water loss rates once the fiber optic project is implemented.

The reasonableness of this project is also dependent on what contractual protections are afforded the utilities. Madison Fiscal Court has not executed contracts with Madison District or Kirksville Water despite already contracting with CRALEY to

⁶¹ HVT of the Aug. 24, 2022 Hearing at 13:48:00–13:50:14, Mike Parker Testimony.

⁶² Wet Fiber Hydraulic Analysis Revised (filed Sept. 29, 2022).

⁶³ HVT of the Aug. 24, 2022 Hearing at 14:10:20–14:10:45, Mike Parker Testimony.

⁶⁴ Wet Fiber Hydraulic Analysis Revised (filed Sept. 29, 2022).

⁶⁵ Madison District's 2021 Annual Report at 58, 21.04%.

⁶⁶ Kirksville Water's 2021 Annual Report at 57, 22.88%.

⁶⁷ 807 KAR 5:066(6)(3), 15% threshold.

purchase its system. Madison District acknowledged it would not proceed with permitting fiber optic installation without an executed, written contract in place, including Madison Fiscal Court to agreeing to meet water quality and pressure standards, hold Madison District harmless for any related liability, and bear all associated new costs. Without indemnity provisions, the utilities could be exposed to liability that could impact on their financial stability and, ultimately, on their rates and service.

Any agreements also need to establish clear delegation of several processes involved in this project. The Commission believes it is crucial to clearly delineate responsibilities as it pertains to KRS 367.4901, et seq. compliance, 811 call center contact and marking. If a break or damage to a water line containing fiber optics does occur, the agreements should specifically address the process of repair of damaged water lines and fiber optic cable, including repair contacting parties, time frames, and a plan to ensure water outages for a minimal amount of time.

The Commission has concerns about the lack of executed agreements between the parties to the case. The Commission encourages each party to negotiate the agreements at an arms-length and carefully consider the interests of the utility customers. Although Mr. Carr was insistent the district wanted to act in the best interest of Madison County,⁶⁸ Mr. Carr owes a fiduciary duty to the customers of Madison District. The Commission hopes that both utilities can recognize the possible benefits of this technology extended beyond the purported purpose put forth by the Madison Fiscal Court and allow for an agreement with flexibility.

⁶⁸ HVT of the Aug. 24, 2022 Hearing at 16:14:16–16:15:57, Jim Carr Testimony.

The contracts between Madison Fiscal Court and each utility may reasonably address (1) compensation for use of utility personnel; (2) compensation for damage to utility property caused by construction, use, repairs, or maintenance of any fiber optic cable equipment; (3) indemnity for any damages incurred by any third parties and assessed to utilities as a result of construction, use, repairs, or maintenance of any fiber optic cable equipment, (4) indemnity for utility damage to the fiber optic system, (5) compensation for costs related to water loss, flushing pipes, disinfection, boil advisories, and service interruption notices required as a result of construction, use, repair, or maintenance of any fiber optic cable equipment; (6) compensation for attorney and engineering fees related to the utilities' involvement in this project, (7) any costs incurred from obtaining or amending easements, and (8) delegation of the above-referenced responsibilities among the parties. With these issues adequately addressed in contractual agreements, the Commission would be more comfortable with the ability of each utility to meet its service obligations going forward.

The Commission recognizes that this project has a specified, FEMA approved purpose. The Commission does encourage the parties to consider obtaining FEMA approval for other uses, should they benefit Madison District and Kirksville Water. The Commission appreciates the unique and forward-thinking nature of this project. However, it cautions all parties to be mindful and thorough and not act in a precipitous manner. The Commission expects written agreements in place between Madison Fiscal Court and Madison District and Madison Fiscal Court and Kirksville Water prior to any financial expenditures by the water districts including use of personnel and equipment as part of this project.

IT IS THEREFORE ORDERED:

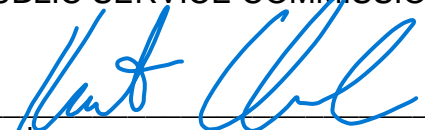
1. Any agreements with respect to the above-discussed project(s) signed between Madison Fiscal Court and Madison District shall be filed with the Commission within 14 days of execution of the agreement as post-case correspondence referencing Case No. 2021-00422.

2. Any agreements with respect to the above-discussed project(s) signed between Madison Fiscal Court and Kirksville Water shall be filed with the Commission within 14 days of execution of the agreement as post-case correspondence referencing Case No. 2021-00422.

3. This case is closed and removed from the Commission's docket.

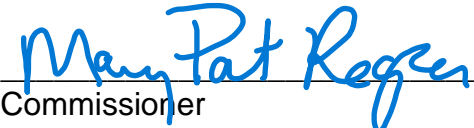
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PUBLIC SERVICE COMMISSION



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ATTEST:



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