

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC JOINT APPLICATION OF)	
BLUEGRASS WATER UTILITY OPERATING)	
COMPANY, LLC FOR APPROVAL OF)	CASE NO.
ACQUISITION AND TRANSFER OF OWNERSHIP)	2023-00218
AND CONTROL OF ASSETS OF MAGRUDER)	
VILLAGE WATER COMPANY)	

ORDER

On June 29, 2023, Bluegrass Water Utility Operating Company, LLC (Bluegrass Water), tendered an application to acquire ownership and control of a wastewater treatment facility owned by Magruder Village Water Company (Magruder Village facility) in McCracken County, Kentucky, pursuant to KRS 278.020. The application was accepted for filing and deemed filed on June 29, 2023.

The Commission finds that an investigation of the proposed acquisition is necessary and that a procedural schedule should be established to ensure an orderly review of Bluegrass Water's application. The Commission notes that Bluegrass Water requested approval within 60 days. While the Commission uses its best efforts to render decisions by dates requested by a utility, the Commission finds that additional time will be necessary to conduct a thorough review of the proposed transaction due to the complex issues involved, including the important health and safety issues related to sewer service and the limited information the Commission currently has regarding the Magruder Village treatment facility, which is not currently under the jurisdiction of the Commission. However, while there is a question regarding the applicability of timeline in KRS

278.020(7),¹ the Commission finds that the review of this matter should be conducted based on the timeline set forth therein, though the Commission finds good cause exists for extending the 60-day timeline by 60 days to 120 days from the date the application was filed. The procedural schedule is attached as an Appendix to this Order. This schedule will be amended as necessary if any intervenors are joined.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed. If any intervenors are joined, this procedural schedule will be amended to permit intervenor discovery.

¹ See Case No. 2020-00028, *Electronic Proposed Acquisition by Bluegrass Water Utility Operating Company, LLC of Wastewater System Facilities and Subsequent Tariffed Service to Users Presently Served by those Facilities*, Order, 10-17 (Ky. PSC Jun 19, 2020). (The Commission held that approval pursuant to KRS 278.020(6) and (7) is not required when a jurisdictional utility purchases a non-jurisdictional utility, but that approval is required pursuant to KRS 278.020(1).).

2. Bluegrass Water shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.

3. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the Commission's July 22, 2021 Order in Case No. 2020-00085² regarding filings with the Commission.

4. 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 that 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. 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.

² Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

5. Any motion to intervene filed after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

6. Bluegrass Water shall give notice of any scheduled hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). 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" and "Public comments may be made at the beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listing on the PSC website, psc.ky.gov." At the time publication is requested, Bluegrass Water shall forward a duplicate of the notice and request to the Commission.

7. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

8. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

9. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

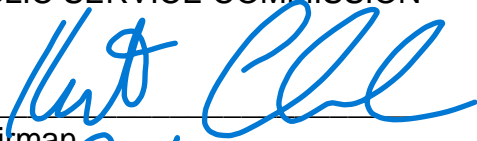
10. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), a digital video recording shall be made of the hearing.

11. The Commission does not look favorably upon motions for continuance. Accordingly, 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.


12. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
JUL 27 2023
rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00218 DATED JUL 27 2023

Last day for intervention requests to be accepted..... 07/28/2023

All initial requests for information to Bluegrass Water
shall be filed no later than 07/28/2023

Bluegrass Water shall file responses to initial requests for
information no later than..... 08/11/2023

All supplemental requests for information to Bluegrass Water
shall be filed no later than 08/25/2023

Bluegrass Water shall file responses to supplemental requests
for information no later than 09/01/2023

Last day for Parties to request a Public Hearing or submit a
request for the matter be decided based upon the written record 09/01/2023

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