Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

April 22, 2008

Honorable Robert C. Moore
Attorney At Law
Hazelrigg & Cox, LLP
415 West Main Street
P.O. Box 676
Frankfort, KY 40602

RE: Case No. 2008-00042

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Stumbo
Executive Director

SS/rs
Enclosure

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Public Service Commission
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April 22, 2008

Ronald J. Osborne
Secretary
R. A. Williams Development Co., Inc. d/b/a Cedarbrook Treatment Plant
Suite 1A
153 Prosperous Place
Lexington, KY 40509

RE: Case No. 2008-00042

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April 22, 2008

Honorable David Edward Spenard
Assistant Attorney General
Office of the Attorney General Utility & Rate Intervention Division
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601-8204

RE: Case No. 2008-00042

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Stephanie Stumbo
Executive Director

SS/rs
Enclosure

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF THE CEDARBROOK TREATMENT PLANT FOR AN ADJUSTMENT IN RATES PURSUANT TO THE ALTERNATIVE RATE FILING PROCEDURE FOR SMALL UTILITIES	)))))	CASE NO. 2008-00042

O R D E R

Before the Commission are three motions: (1) for extension of time by R.A. Williams Development Co., Inc. d/b/a Cedarbrook Treatment Plant ("Cedarbrook") to respond to the Commission Staff report; (2) for full intervention by Cedarbrook Utilities, LLC ("Cedarbrook Utilities"); and (3) for extension of time by Cedarbrook Utilities to respond to the Commission Staff report.

BACKGROUND

Pursuant to a request by Cedarbrook for assistance with the preparation of a rate application, Commission Staff performed a limited financial review of Cedarbrook's test period operations, the calendar year ending December 31, 2006. Upon completion of its limited review, Staff presented to Cedarbrook a draft rate application containing a pro forma income statement reflecting Staff's findings and recommendations. On February 4, 2008, Cedarbrook submitted its rate application to the Commission for consideration. On February 14, 2008, Cedarbrook and Cedarbrook Utilities jointly submitted an application requesting approval of the transfer of the treatment and collection facilities from Cedarbrook to Cedarbrook Utilities, which the Commission docketed as Case No. 2008-00040.[1]

[1] Case No. 2008-00040, Joint Application of R. A. Williams Construction Company, Inc. and Cedarbrook Utilities, LLC For Approval of the Transfer of Wastewater Treatment Plant to Cedarbrook Utilities, LLC.

Cedarbrook accepted the findings and recommendations of Staff's review and included those as its pro forma operating statement in its application. Given the proposed transfer of ownership of Cedarbrook's assets, Staff revised the original findings and recommendations of its field review. These revised findings were attached to a Commission Order dated April 1, 2008, and the parties[2] were permitted 14 days to submit written comments. On April 15, 2008, Cedarbrook and Cedarbrook Utilities filed the motions presently before the Commission.

DISCUSSION

Cedarbrook seeks an extension to "carefully review the Staff Report" and to file written comments. The Commission generally grants extensions for good cause. Because a party should be given an opportunity to fully review a Staff report and because the requested 7-day extension is relatively minor, the Commission finds good cause to grant Cedarbrook's motion.[3]

Cedarbrook Utilities seeks intervention in this case. It argues that it has a direct interest in the rate approved by the Commission in this case because it has agreed to acquire Cedarbrook's plant and it has sought Commission approval for that transfer.

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[2] At that time, only Cedarbrook and the Attorney General were parties to the case. No other person or entity had sought intervention.

[3] The Commission notes that the motion for extension was filed by Cedarbrook's president, Ronald J. Osborne, who is not licensed to practice law in Kentucky. The Commission's policy and regulations under 807 KAR 5:076 permit certain allowances in order to assist small utilities. Although we grant Cedarbrook's motion, we caution Mr. Osborne against any activity that falls within Kentucky Supreme Court Rule 3.020 regarding the practice of law. See Order of February 13, 2008 in Case No. 2008-00040.

Administrative Regulation 807 KAR 5:001, Section 3(8), which governs intervention in Commission proceedings,[4] provides:

> If a person granted leave to intervene desires to be served with filed testimony, exhibits, pleadings, correspondence and all other documents submitted by parties, and to be certified as a party for the purposes of receiving service of any petition for rehearing or petition for judicial review, he shall submit in writing to the secretary a request for full intervention, which shall specify his interest in the proceeding. If the commission determines that a person has a special interest in the proceeding which is not otherwise adequately represented or that full intervention by party is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings, such person shall be granted full intervention.

As an entity that has contracted to acquire a utility pending Commission approval, we find that Cedarbrook Utilities meets the special interest prong of this regulation.[5] In addition, Cedarbrook Utilities has requested the same extension as Cedarbrook, and it is unlikely that its intervention will unduly complicate or disrupt the proceedings. Therefore, it should be granted intervention.

As for Cedarbrook Utilities' motion for an extension, we find good cause to grant the motion for the same reasons stated above.

IT IS THEREFORE ORDERED that:

1. Cedarbrook's motion for an extension is granted. It shall file written comments to the Staff report no later than April 22, 2008.

2. Cedarbrook Utilities' motion for full intervention is granted.

[4] The notice required to be sent to a utility's customer under 807 KAR 5:076 permits requests for intervention within 30 days of the notice. This regulation, however, does not apply to these particular circumstances because Cedarbrook Utilities is not a customer of Cedarbrook.

[5] If the Commission were to deny approval for the transfer, it is doubtful that Cedarbrook Utilities would continue to have a special interest in this case.

3. Cedarbrook Utilities shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

4. Should Cedarbrook Utilities file documents of any kind with the Commission in the course of these proceedings, Cedarbrook Utilities shall also serve a copy of said documents on all other parties of record.

5. Cedarbrook Utilities' motion for an extension is granted. It shall file written comments to the Staff Report no later than April 22, 2008.

Done at Frankfort, Kentucky, this 22nd day of April, 2008.

By the Commission

ATTEST:

Executive Director