

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC INVESTIGATION OF A	)	
POSSIBLE ASSET ACQUISITION AND	)	
TRANSFER OF CONTROL OF CUNNINGHAM	)	CASE NO.
WATER DISTRICT TO THE CITY OF BARDWELL	)	2021-00264
ON BEHALF OF BARDWELL UTILITIES	)	
PURSUANT TO KRS 278.020(6) AND KRS	)	
278.020(7)	)	

ORDER

On June 25, 2021, the Commission opened this case to investigate the possible asset acquisition and transfer of control of Cunningham Water District (Cunningham District) to the city of Bardwell on behalf of Bardwell Utilities pursuant to KRS 278.020(6) and KRS 278.020(7). On September 28, 2021, Staff caused a response provided by Cunningham District to be entered into the record of this case and on October 28, 2021, Staff caused a response provided by the city of Bardwell on behalf of Bardwell Utilities (Bardwell) to be entered into the record of this case. Bardwell stated in its response that it is not an acquirer for purposes of KRS 278.020 and identified November 30, 2021, as the date certain that it would cease assistance to Cunningham District. Based upon a review of the record, the Commission finds that Bardwell has no intent to acquire Cunningham District and that renders the matter of transfer at this time per KRS 278.020 moot. The fact that the proposed transfer did not take place does not relieve the hardship described in the record experienced by Cunningham District. The Commission finds that

these issues should be investigated in a separate proceeding which incorporates this case record by reference.

IT IS THEREFORE ORDERED that:

1. The record of Case No. 2021-00264 shall be incorporated into Case No. 2021-00451.<sup>1</sup>
2. This case is closed and removed from the Commission's docket.

---

<sup>1</sup> Case No. 2021-00451, *An Electronic Investigation into Cunningham Water District to Determine the Feasibility of Merger with a Proximate Utility Pursuant to KRS 74.361 or Abandonment Pursuant to KRS 278.020(6), KRS 278.021*, (Ky PSC Dec.16, 2021).

By the Commission

ENTERED  
DEC 15 2021  
rcs  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2021-00264

\*City of Bardwell  
City Hall Bardwell  
225 Front Street  
Bardwell, KENTUCKY 42023

\*Jason Batts  
City Attorney Bardwell  
City of Bardwell  
City Hall Bardwell  
225 Front Street  
Bardwell, KENTUCKY 42023

\*Phillip King  
Mayor  
City of Bardwell  
City Hall Bardwell  
225 Front Street  
Bardwell, KENTUCKY 42023

\*Dan Bowles  
Chairman  
Cunningham Water District  
P. O. Box 644  
Cunningham, KY 42035

\*Cunningham Water District  
7506 US Highway 52  
P. O. Box 644  
Cunningham, KY 42035

\*Cunningham Water District  
Cunningham Water District  
7506 US Highway 52  
P. O. Box 644  
Cunningham, KY 42035

\*Bardwell City Utilities  
Bardwell City Utilities  
P. O. Box 639  
Bardwell, KY 42023