

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC INVESTIGATION INTO)	
MILBURN WATER DISTRICT TO DETERMINE)	
THE FEASIBILITY OF MERGER WITH A)	CASE NO.
PROXIMATE UTILITY PURSUANT TO KRS 74.361)	2021-00341
OR ABANDONMENT PURSUANT TO KRS)	
278.020(6), KRS 278.021)	

ORDER

On March 31, 2022, the Commission issued an Order initiating this investigation into Milburn Water District (Milburn District) to determine the feasibility of merger with a proximate utility or abandonment and entering a procedural schedule. The procedural schedule was amended on May 13, 2022 to allow a supplemental request for information to Milburn District. By Order issued August 30, 2022, Graves County Water District (Graves District) was made a party to this investigation. Following the addition of Graves District as a party, a request for information was issued to Graves District, as well as a supplement request for information to Milburn District. An Informal Conference between the parties and Commission Staff was held on February 6, 2024, during which the status of Milburn District and this proceeding were discussed.

Pursuant to KRS 74.361(2), the Commission is authorized to conduct such investigations as may be reasonably necessary to determine the advisability as to the merger of water districts. Before ordering a hearing into the merger of any water district, the Commission shall “shall cause to be prepared in writing a feasibility report and study regarding the proposed merger, containing such studies, investigations, facts, historical

data, and projections as in the circumstances may be required in order to enable the commission to formulate a proper decision regarding such merger.”¹ Based upon the written report and study, the Commission “may propose by order that a merger of water districts be accomplished, and, upon the issuance of such order, shall give actual notice to all water districts proposed to be merged.”² If the Commission orders such a merger of water districts, the order shall provide for a formal public hearing to be held before the Commission on the subject of such proposed merger.³ At the formal hearing, water districts that the Commission seeks to merge:

shall be afforded the right to appear, to present evidence, to examine all exhibits and testimony, to cross-examine all witnesses, and to submit such memoranda, written evidence, and briefs as may be desired.

The Commission finds that a feasibility report and study should be prepared by Commission Staff pursuant to KRS 74.361 regarding a potential merger between Milburn District and Graves District. To facilitate the preparation of that report, the Commission finds that an additional supplemental request for information to the parties should be permitted to gather more information as needed. Accordingly, the Commission finds that the procedural schedule in this matter should be amended to allow for an additional supplemental request for information, as well as to establish a date by which a feasibility report should be filed by Commission Staff. Following the filing of the feasibility report and study, the Commission may issue an order proposing a merger and scheduling a hearing pursuant to KRS 74.361 based upon the written report and study.

¹ KRS 74.361(2).

² KRS 74.361(3).

³ KRS 74.361(3).

The Commission, on its own motion, THEREFORE ORDERS that:

1. Commission Staff shall prepare and file a feasibility report and study pursuant to KRS 74.361 regarding a potential merger between Milburn District and Graves District.

2. The procedural schedule contained in the Appendix to the March 31, 2022 Order, as amended on May 13, 2022, is now amended as attached in the Appendix to this Order.

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PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ENTERED
MAR 06 2024 rcs
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00341 DATED MAR 06 2024

All additional supplemental requests for information to parties
shall be filed no later than 04/12/2024

Parties shall file responses to the supplemental requests
for information no later than 04/26/2024

A feasibility report shall be filed into the record no later than.....05/31/2024

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