

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO WOOD)	
CREEK WATER DISTRICT'S TERMINATION OF)	CASE NO.
WHOLESALE WATER SERVICE TO THE CITY OF)	2024-00359
LIVINGSTON FOR NONPAYMENT OF BILLS)	

ORDER

On December 2, 2024, Wood Creek Water District (Wood Creek District) filed a motion requesting this case be held in abeyance until one or more parties request otherwise.

BACKGROUND

On November 5, 2024, the Commission received an email notice filed by Wood Creek District that indicated it had terminated water service to the city of Livingston (Livingston) on November 5, 2024.¹ On November 19, 2024, the Commission initiated this action to investigate Wood Creek District's termination of water service to Livingston, and to investigate the adequacy and reliability of Livingston's water service supplied to Kentucky-American Water Company (Kentucky-American). That Order required that within seven days of service of that Order that the parties shall enter, by counsel, an appearance into this proceeding,² and, among other things, that Wood Creek District and

¹ Order (Ky. PSC Nov. 19, 2024), Appendix A.

² Order (Ky. PSC Nov. 19, 2024), ordering paragraph 6.

Livingston file responses to the allegations contained in the opening order within 20 days after service of that Order.³

On November 21, 2024, Kentucky-American filed its entry of appearance. On November 25, 2024, Wood Creek District filed its entry of appearance; however, as of December 11, 2024, Livingston has yet to file its entry of appearance.

On December 2, 2024, Wood Creek District filed an interim response and request to hold in abeyance, requesting that this case be held in abeyance until any of the parties, or all of the parties, request that it proceed. Wood Creek District stated that a meeting was held on November 26, 2024, which included representatives from Wood Creek District, Kentucky-American, Kentucky Infrastructure Authority (KIA), Department of Water, the Commission, Livingston Mayor Sandi Singleton, Rockcastle County Judge Executive Hal Holbrook to discuss a possible resolution of the failure of Livingston to pay for water provided by Wood Creek District.⁴ Wood Creek District stated that Livingston had accrued a total debt of \$104,736.77.⁵ To address portions of the accrued debt, Wood Creek District advised that KIA had begun processing a request from Livingston and KIA will be paying Wood Creek the sum of \$57,000 no later than December 25, 2024. Wood Creek District further stated that it would not terminate water services to Livingston as long as the \$57,000 payment is received before December 25, 2024, and Livingston continues to make “good faith” regular payments to Wood Creek District.⁶

³ Order, (Ky. PSC Nov. 19, 2024), ordering paragraph 2.

⁴ Wood Creek District’s Interim Response and Request to Hold in Abeyance (Motion) (filed on Dec. 2, 2024), at 1.

⁵ Wood Creek District’s Motion at 1.

⁶ Wood Creek District’s Motion at 2.

Wood Creek District also stated that Sandi Singleton, Mayor of Livingston, stated she would immediately start negotiations with Wood Creek District, Kentucky-American, or another entity, to assume the operation of the water and, possibly, sewer systems currently operated by Livingston. Wood Creek District stated that Mayor Singleton expressed concerns about the poor physical condition of the water and sewer system, and Livingston's lack of expertise to operate the system or to correct the enormous amount of water being lost.⁷

DISCUSSION AND FINDINGS

The Commission finds that the motion to hold this case in abeyance should be denied. This case was initiated to investigate Wood Creek District's termination of water service to Livingston, and to investigate the adequacy and reliability of Livingston's water service supplied to Kentucky-American. A payment or agreement for payment between Livingston and Wood Creek District does not resolve the matters under investigation nor does it result in good cause to hold the case in abeyance. Furthermore, the Commission finds that the filing does not meet the requirements of a response in the opening Order ordering paragraph 2 pursuant to 807 KAR 5:001. Failure to comply with the November 19, 2024 Order initiating this review may result in penalties in accordance with KRS 278.990.

IT IS THEREFORE ORDERED that:

1. The request to hold this case in abeyance is denied.
2. The December 2, 2024 motion made by Wood Creek District is not accepted as a proper response to the November 19, 2024 Order.

⁷ Wood Creek District's Motion at 2.

PUBLIC SERVICE COMMISSION



Chairman



Commissioner



Commissioner

ATTEST:

 RP

Executive Director

ENTERED
DEC 16 2024 AH
KENTUCKY PUBLIC
SERVICE COMMISSION

*City of Livingston Water Works
City of Livingston Water Works
P. O. Box 654
Livingston, KY 40445

*Honorable Lindsey W Ingram, III
Attorney at Law
STOLL KEENON OGDEN PLLC
300 West Vine Street
Suite 2100
Lexington, KENTUCKY 40507-1801

*David Pippen
Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502

*Honorable Larry G Bryson
318 West Dixie Street
London, KENTUCKY 40741

*Wood Creek Water District
1670 Hal Rogers Parkway
P. O. Box 726
London, KY 40743

*Molly Van Over
Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502

*Wood Creek Water District
Wood Creek Water District
1670 Hal Rogers Parkway
P. O. Box 726
London, KY 40743

*Sarah Gaddis
Director
Kentucky Division of Water
300 Sower Boulevard, 3rd Floor
Frankfort, KENTUCKY 40601

*Dewayne Lewis
Wood Creek Water District
P. O. Box 726
London, KY 40743

*Kentucky-American Water Company
Kentucky-American Water Company
2300 Richmond Road
Lexington, KY 40502

*John Horne
Office of the Attorney General Office of Rate
700 Capitol Avenue
Suite 20
Frankfort, KENTUCKY 40601-8204