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**Case Management System - KY Public Service Commission***Regular Cases Before the Commission as of July 17, 2024***2020-00396**

RECEIVED: 12/23/20

FILED: 12/28/20

FINAL: 04/27/21

REOPENED:

SUSPENSION DATE:

**CASE CODE**

Transfer / Sale / Purchase / Merger

**UTILITIES:**

Navitas KY NG, LLC

B &amp; H Gas Company

Johnson County Gas Company, Inc.

**HEARINGS:**

04/14/21 Informal Conference

04/01/21 Informal Conference

03/17/21 Formal Hearing

03/16/21 Formal Hearing

**INDEX OF EVENTS:**

- 12/13/22 Order Entered: 1. Navitas KY's petition for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission. 3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. Navitas KY shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment. 5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Navitas KY shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Navitas KY is unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
- 09/02/21 POST CASE: Brenda Bott Navitas KY NG, LLC 41st GCA Filing
- 08/11/21 POST CASE: Brenda Bott Navitas KY NG, LLC Navitas Tariff Effective May 7, 2021
- 05/28/21 POST CASE: Brenda Bott Navitas KY NG, LLC Response to April 27, 2021 Order.
- 05/27/21 POST CASE: Brenda Bott Navitas KY NG, LLC Navitas KY NG, LLC Tariff pursuant to April 27, 2021 Order.
- 05/11/21 POST CASE: Joe F. Childers Johnson County Gas Company, Inc. and BH Gas Company, Inc. Notice of Transfer of Assets and Closing
- 05/10/21 POST CASE: Brenda Bott Navitas KY NG, LLC Response to April 27, 2021 Order in 2020-00396.
- 04/30/21 Order Entered nunc pro tunc, that: 1. Finding paragraph 24 is inserted with the following language: 24. As a condition subsequent to the closing of the proposed transaction, the Commission will enter Orders in Case Nos. 2019-00055 and 2019-00056 waiving all civil penalties assessed against B & H, Johnson County, and Bud Rife, and will tender an agreed order in Franklin Circuit Court . 19-CI-00948 to dismiss that matter. 2. Ordering paragraph 10 is stricken and is replaced with the following language: 10. As a condition subsequent to the closing of the proposed transaction, the Commission shall enter Orders in Case Nos. 2019-00055 and 2019-00056 waiving all civil penalties assessed against B & H, Johnson County, and Bud Rife, and shall tender an agreed order in Franklin Circuit Court Civil Action No. 19-CI-00948 to dismiss that matter. 3. Ordering paragraph 11 is inserted with the following language: 11. This case is closed and removed from the Commission's docket.
4. All provisions of the April 27, 2021 Order that are not in conflict with the terms of this Order shall remain in effect.
- 04/28/21 Order Entered: 1. Applicant's motion for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission. 3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. Applicants shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment. 5. If a nonparty to this proceeding requests to inspect the material granted

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confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Applicants shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Applicants are unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.

- 04/28/21 Order Entered: 1. Applicant's motion for confidential treatment is granted. 2. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission. 3. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 4. Applicants shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment. 5. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Applicants shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878. If Applicants are unable to make such demonstration, the requested material shall be made available for inspection. Otherwise, the Commission shall deny the request for inspection.
- 04/27/21 Final Order Entered: Order Entered: 1. Navitas KY's proposed acquisition of the assets of B&H and Johnson County is approved. 2. Commission authorization of the proposed acquisition of the assets of B & H and Johnson County is effective for one year from the date of this Order and shall lapse if not completed within this period. 3. Within 10 days of completion of the transfer of assets as approved, Navitas KY shall notify the Commission in writing of the completion thereof. 4. Within 10 days of the completion of the approved acquisition, Navitas KY shall file a signed and dated adoption notice in accordance with 807 KAR 5:011, Section 11. 5. Within 10 days of the filing of such adoption notice, Navitas KY shall issue and file with the Commission in its own name the utility's tariff, or such other tariff as it proposes to put into effect in lieu thereof in the form prescribed in 807 KAR 5:011, Section 11. 6. Within 20 days of the completion of the proposed transfer, Navitas KY shall file the journal entries it proposes to record the approved acquisition. The acquisition shall be recorded in accordance with the Uniform System of Accounts. 7. Nothing in this Order shall be construed as authorizing rat-making treatment of any cost or expense associated with the proposed acquisitions of control in Navitas KY's general rates. These issues are deferred until Navitas KY's next rate case proceeding.
- 04/22/21 Brenda Bott B H Gas Company , Johnson County Gas Company, Inc. , Navitas KY NG, LLC Amended Response and Response
- 04/15/21 Letter Filing IC Memo
- 04/07/21 Brenda Bott Navitas KY NG, LLC Supplemental Testimony of Thomas Hartline
- 04/05/21 Brenda Bott B H Gas Company , Johnson County Gas Company, Inc. , Navitas KY NG, LLC Post-Hearing Data Response 3
- 04/05/21 COMMISSION STAFF'S NOTICE OF INFORMAL CONFERENCE
- 04/02/21 Letter Filing Memorandum dated 04/01/2021 for Informal Conference of 04/01/2021
- 03/30/21 COMMISSION STAFF'S NOTICE OF INFORMAL CONFERENCE
- 03/29/21 Notice of Filing Hearing Documents
- 03/18/21 COMMISSION STAFF'S POST-HEARING REQUEST FOR INFORMATION TO NAVITAS KY NG, JOHNSON COUNTY GAS COMPANY, INC., AND B & H GAS COMPANY
- 03/16/21 Order Entered: 1. Post-hearing data requests shall be filed on or before March 22, 2021. 2. Responses to post-hearing data requests shall be filed on or before April 5, 2021.
- 03/15/21 Brenda Bott Navitas KY NG, LLC, B H Gas Company, Johnson County Gas Company, Inc. Amended Documents to reflect new closing date.
- 03/11/21 Brenda Bott Navitas KY NG, LLC, B H Gas Company, Johnson County Gas Company, Inc. Amendment to Petition for Confidential Treatment
- 03/05/21 Brenda Bott Navitas KY NG, LLC Confirmation of publication of Public Notice.
- 03/04/21 Brenda Bott B H Gas Company , Johnson County Gas Company, Inc. , Navitas KY NG, LLC Response for Commissions Second Request for Information; Petition for Confidential Treatment
- 02/18/21 Brenda Bott Navitas KY NG, LLC, B H Gas Company , Johnson County Gas Company, Response to Commissions February 1 Order in Case No. 2020-00396.

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02/17/21 COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO NAVITAS KY NG, JOHNSON COUNTY GAS COMPANY, AND B & H GAS SYSTEM

02/11/21 Order Entered: 1. Applicants' motion for an extension of time is granted. Applicants shall have until February 12, 2021, to file additional documentation in response to Commission Staff's First Request for Information. 2. The procedural schedule issued on January 13, 2021, is hereby modified and attached as an Appendix hereto, to reflect an additional time for the issuance of Commission Staff's supplemental request for information and Applicants' responses to the supplemental request for information. 3. The hearing in this matter will remain as previously scheduled, to begin on March 16, 2021, at 9 a.m. Eastern Daylight Saving Time, in the Richard Raff Hearing Room of the Commission's offices at 211 Sower Boulevard in Frankfort, Kentucky.

02/04/21 Brenda Bott Navitas KY NG, LLC, B H Gas Company , Johnson County Gas Company, Supplemental Filing to Data Request 1

02/03/21 Order Entered: 1. Navitas's motion for confidential treatment is granted in part and denied in part. 2. The customer list, accounts receivable, and employee salary and benefit information in Exhibit B and all of the designated material in Exhibits C and E are granted confidential treatment. 3. The purchase price and monthly office rent amount are denied confidential treatment. 4. The designated material granted confidential treatment by this Order shall not be placed in the public record or made available for public inspection for an indefinite period or until further Order of this Commission. 5. Use of the designated material granted confidential treatment by this Order in any Commission proceeding shall comply with 807 KAR 5:001, Section 13(9). 6. Navitas shall inform the Commission if the designated material granted confidential treatment by this Order becomes publicly available or no longer qualifies for confidential treatment. 7. If a nonparty to this proceeding requests to inspect the material granted confidential treatment by this Order and the period during which the material has been granted confidential treatment has not expired, Navitas shall have 30 days from receipt of written notice of the request to demonstrate that the material still falls within the exclusions from disclosure requirements established in KRS 61.878.

02/01/21 Order Entered: Within 20 days of the date of this Order, Navitas, B & H, and Johnson County, individually or jointly, shall file a written response to the condition subsequent and condition precedent to the Agreement that will be required for the Commission's approval of the transaction. The response must include, at a minimum, an assurance that overcollections of gas cost will be returned to customers in amounts ordered by the Commission, and a timeframe for their return.

01/29/21 Brenda Bott Navitas KY NG, LLC, B H Gas Company , Johnson County Gas Company, Data Response

01/21/21 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO NAVITAS KY NG, JOHNSON COUNTY GAS COMPANY, AND B&H GAS SYSTEM

01/13/21 Order Entered: 1. The application period is continued beyond the 60-day period specified in KRS 278.020(7) for an additional 60 days through April 27, 2021 to further investigate and review the application. 2. A videoconference hearing in this matter shall be held on Tuesday, March 16, 2021, at 9 a.m. Eastern Daylight Time and Wednesday, March 17, 2021, at 9 a.m. Eastern Daylight Time in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 3. The procedural schedule set forth in the Appendix to this Order shall be followed. 4. Any motion to intervene filed after January 19, 2021, shall show a basis for intervention and good cause for being untimely, and must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts the person will present that will assist the Commission in fully considering the matter. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

12/29/20 Deficiency cured letter

12/28/20 Brenda Bott Navitas KY NG, LLC The Notice of Filing of Supplemental Information, filed in response to the filing deficiency notice received by the Applicants for the filing of the Joint Application for Approval of Acquisition, Transfer of Ownership, and Control of Natural Gas Utility Sy

12/28/20 Deficiency letter, information due 01/08/2021

12/23/20 Brenda Bott Navitas KY NG, LLC Joint Application of Navitas KY NG, LLC, Johnson County gas, and BH Gas for approval of acquisition, transfer of ownership, and control of natural gas utility systems, and Petition for Confidentiality for select Exhibits.

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12/09/20	Acknowledge Receipt of Filing
12/09/20	Navitas KY NG, LLC Notice of Intent to File an Application for Approval of the Acquisition, Transfer, and Control of B&H Gas and Johnson County Gas Systems Using Electronic Filing Procedures

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Total Number of Cases: 1