

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

ELECTRONIC APPLICATION OF BULLITT  
UTILITIES, INC. FOR A SURCHARGE

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CASE NO. 2016-00401

**MOTION OF BU FOR LEAVE TO FILE A  
REPLY IN SUPPORT OF ITS RESPONSE TO THE LEGAL ISSUES  
IDENTIFIED IN THE COMMISSION’S DECEMBER 29, 2016 ORDER**

Bullitt Utilities, Inc. (“BU”), by Robert W. Keats, Chapter 7 Trustee for BU (the “Trustee”), to the extent necessary, files this Motion for Leave to File a Reply in Support of its Response to the Legal Issues identified in the Commission’s December 29, 2016 Order (the “Order”) and to address the Responses filed by the Attorney General (the “AG”) and the City of Hillview. Good cause exists to grant BU’s Motion. The grounds to support BU’s Motion follow.

1. The Commission’s December 29, 2016 Order asked BU to file a Brief supporting its right under state law to file this Surcharge Application. The Order continued by asking BU to address the issues of its status as a utility, authority to file a Tariff, interest in the rates collected under any Surcharge and its service and related obligations to BU’s customers.

2. BU’s January 13, 2017 Response addressed all of the issues outlined by the Order. On January 27, 2017, the AG and Hillview filed their Responses and addressed issues outside the Order.

3. The AG and Hillview addressed the relationship between the Bankruptcy Court Orders and the Receivership Order which were not raised by the Order and have already been addressed by the Bankruptcy Court.

4. No party will be prejudiced by allowing BU to address the issues raised for the first time by the AG and Hillview as fairness dictates that BU be given the opportunity to rebut their contentions.

5. Arguably, BU's Reply is allowed by 807 KAR 5:001 Section 5(3) without the need to file this Motion. BU tenders its Reply for filing with the Commission.

For the reasons above, BU's Motion for Motion for Leave to File a Reply in Support of its Response to the Legal Issues identified in the Order should be granted, if necessary, and BU's tendered Reply accepted for filing.

Respectfully submitted,

*/s/ Holland N. McTyeire V*

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**CERTIFICATE OF SERVICE**

I certify that on February 1, 2017 an electronic version of the Motion Of BU For Leave To File A Reply In Support Of Its Response To The Legal Issues Identified In The Commission's December 29, 2016 Order was uploaded to the Commission's E-Filing System. A copy of the Electronic Filing Center Notification is included with the filing of this Motion with the Commission. The electronic version of the paper filing is a true and accurate copy of each paper filed in paper medium. No party has been excused from the Commission's electronic filing procedures.

*/s/ Holland N. McTyeire V*  
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