COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC VERIFIED JOINT APPLICATION OF EASTERN ROCKCASTLE WATER ASSOCIATION AND KENTUCKY-AMERICAN WATER COMPANY FOR THE TRANSFER OF CONTROL AND ASSETS

CASE NO. 2017-00383

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MOTION FOR LEAVE TO FILE FIRST REQUEST FOR INFORMATION OUT OF TIME BY JAMES E. BALLINGER AND THOMAS P. DUPREE, JR

James E. Ballinger and Thomas P. Dupree, Jr. (collectively "Intervenors"), by counsel, respectfully request leave to file their first request for information out of time. In support of their motion, Ballinger and Dupree state the following:

On October 17, 2017, the Commission entered an order, including a procedural schedule setting forth various deadlines. On October 20, 2017, the Intervenors timely filed a motion for intervention, which is currently pending before the Commission. The Commission had set an expedited deadline (presumably due to statutory deadlines for issuing a final decision) for issuance of the first requests for information to the Joint Applicants as October 25, 2017, but the undersigned counsel inadvertently docketed it on his calendar for October 27.

The Intervenors respectfully request the Commission and Joint Applicants¹ accept this first set of request for information filed on the day after the initial procedural schedule ordered it to be filed. This modest request will not prejudice the Joint Applicants or the Commission. The Intervenors anticipate that the Joint Applicants will still be able to respond to the request within

¹ The undersigned counsel attempted but was unable to contact counsel for Kentucky-American Water Company to discuss whether utility would have an objection to this motion.

the time period set by the current procedural schedule. Alternatively, the Intervenors will not object to a reasonable extension of time in which the Joint Applicants can respond to the request for information, nor will they request a corresponding adjustment to deadlines for issuance of supplemental data requests for such a reasonable extension.

Moreover, acceptance of this first set of requests for information will assist the Commission in presenting issues or developing facts in this matter. If these requests are not answered until the second round of data responses are provided, the Intervenors and Commission Staff may not have the ability to request any supplemental information on matters relevant to the standards set forth in KRS 278.020.

The Commission has previously granted similar motions for leave to file certain documents a few days after a deadline. <u>See, e.g., Columbia Gas of Kentucky, Inc.</u>, Case No. 2016-00162 (Ky. PSC Oct. 7, 2016)(granting a similar motion after an intervenor inadvertently missed a filing deadline "due to the press of business" and quickly remedied the error); <u>Louisville Gas & Electric Co.</u>, Case No. 2016-00383 (Ky. PSC Dec. 14, 2016). The Intervenors respectfully request that the Commission find good cause to accept this first set of requests for information.²

Respectfully submitted

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² The Intervenors acknowledge that this motion could become moot if the Commission ultimately denies their motion to intervene. <u>See, e.g., Kentucky Utilities Co.</u>, Case No. 2016-00370 (Ky. PSC Feb. 1, 2017).

CERTIFICATE OF SERVICE

In accordance with 807 KAR 5:001, Section 8, I certify that the October 26, 2017, electronic filing of this Motion is a true and accurate copy of the same document being filed in paper medium; that the electronic filing will be transmitted to the Commission on October 26, 2017; that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding; and that an original paper medium of the Motion and six copies will be delivered to the Commission within two business days.

M. JAN OLAN

Attorney for Ballinger and Dupree