

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

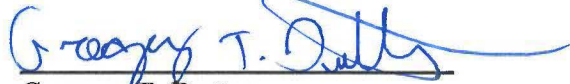
In the Matter of:

NOTICE OF TRANSFER OF A WASTEWATER)	
TREATMENT UTILITY FROM PRO MAN)	CASE NO.
PROPERTY MANAGEMENT, LLC TO FOX RUN)	
LIVING, LLC; APPLICATION FOR APPROVAL OF)	2019-00153
SAID TRANSFER; AND OFFER TO SETTLE)	
OUTSTANDING VIOLATIONS)	

FOX RUN LIVING'S UPDATED RESPONSES TO STAFF'S INITIAL REQUESTS FOR
INFORMATION

Respectfully submitted,

FROST BROWN TODD LLC



Gregory T. Dutton

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Counsel for Fox Run Living, LLC

Request No 1: KRS 278.020(6) requires the Commission to find that the person acquiring a utility that is subject to its jurisdiction possess the financial, technical, and managerial abilities to provide reasonable service.

- a. Describe Fox Run Living's management ability and resources to manage and operate the wastewater treatment facilities acquired from Pro Man.

Updated Response:

- a. As of July 24, 2019, Denizen Management has taken over management of the sewer utility and the related apartment complex. The Contract and additional information is attached as exhibit A. Fox Run and Denizen are currently negotiating a contract addendum that will clarify Denizen's obligations regarding the sewer utility. Fox Run anticipates filing an updated response with the Commission that contains the addendum next week, but certainly before the end of this month.

Responding Witness: Jimmy King

Request No 9: Provide a duly authorized irrevocable Letter of Credit in the sum of \$10,000 with a minimum term of ten years that is payable to the PSC for use if the Commission, or someone on its behalf, needs to operate the wastewater facility.

Updated Response: Fox Run is unable to supply the Letter of Credit (LOC) as requested.

Attached as Exhibit B is an email from Mr. King's bank explaining that such a LOC is not possible. Considering the extent of Mr. King's financial abilities evidenced in this matter, Fox Run Living asks that the Commission approve the application without the requested LOC.

Responding Witness: Jimmy King

VERIFICATION

I, Jimmy King, having first been duly sworn, hereby state that I have read the foregoing Updated Response to Staff's Initial Request for Information and that the facts contained therein are, to the best of my knowledge and belief, true and accurate.


Jimmy King, CEO, Fox Run Living, LLC

STATE OF Delaware)

: SS

COUNTY OF Denver)

Subscribed and sworn to before me by Jimmy King, on this 5 day of September 2019.

My Commission Expires: 11/06/2021.




Notary Public, State at Large