

MEMORANDUM

TO: Case File No. 2020-00290

FROM: Katherine K. Yunker and Kathryn A. Eckert, Attorneys for
Bluegrass Water Utility Operating Company, LLC

DATE: June 11, 2021

Re: Comments on Informal Conference Memorandum filed June 7, 2021

An informal conference requested by Applicant, Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water”), was conducted *via* the Web on March 19, 2021, beginning at 2:00 p.m. EDT.¹ On June 7, 2021, the Commission’s Executive Director gave notice that an intra-agency memorandum about the informal conference (“IC Memo”) was being filed in the above-referenced case and requested that any comments regarding the contents of the IC Memo be made within five (5) days of receipt. In accordance with that request, Bluegrass Water provides the following comments about the IC Memo:

1. Attendees at the informal conference on behalf of Bluegrass Water included its in-house counsel, Russ Mitten, in addition to the other persons identified on the attendance sheet.

2. The 4th paragraph of the IC Memo makes reference to a filing by Bluegrass Water (on March 10, 2021) of “a notice of filing in this matter to a response to a request notice of filing in this matter to a response to a request for information made in Case No. 2020-00297....” Bluegrass Water clarifies that it filed a Notice of Filing in this case of the response (filed November 4, 2020) to request # 10 of the Commission Staff’s First Request for Information in Case No. 2020-00297.²

3. The summary description in the IC Memo of topics and statements generally comports with recollection of and notes taken contemporaneously with the informal conference, except as follows:

a. Bluegrass Water stated that even if the Commission denied its pending motion to reconsider/modify, the supplemented and updated Application (covering all its owned and operated systems) remained pending and Bluegrass Water would testify or

¹ The Informal Conference Memorandum refers to the time as standard time (EST), but daylight-savings time (EDT) began on March 14, 2021.

² Applicant’s Notice of Filing and attached response is available at https://psc.ky.gov/pscecf/2020-00290/kyunker%40mcbrayerfirm.com/03102021015327/BW_Note_of_Filing_%282020-00297_response%29.pdf.

otherwise proffer evidence at the hearing consistent with that Application. Bluegrass Water asked, however, whether Staff or intervening parties would need or like differently detailed or broken-out information than what had been obtained or requested earlier if the Commission denied the pending motion. None of the attendees expressed a need for such different information or otherwise took Bluegrass Water up on its offer.

b. Other than the 1st sentence, the material in the 3rd paragraph of the IC Memo (pp.1-2), is neither recollected by attendees for Bluegrass Water nor reflected in their notes. The reasoning described is consistent with Staff's not taking up Bluegrass Water on its offer described in subpart (a) above, but the phrasing and focus on rate unification was not heard.