

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION OF KENTUCKY

In the Matter of:

APPLICATION BY WATER SERVICE)
CORPORATION OF KENTUCKY,)
ALONG WITH CORIX)
INFRASTRUCTURE (US) INC. AND)
SW MERGER ACQUISITION CORP.,)
FOR APPROVAL OF TRANSFER OF)
CONTROL)

Case No. 2022-00396

**MOTION TO EXTEND DEADLINE FOR FILING ACCEPTANCE AND AGREEMENT
TO BE BOUND BY REGULATORY COMMITMENTS**

Water Service Corporation of Kentucky (“WSCK”), Corix Infrastructure (US) Inc. (“Corix US”), and SW Merger Acquisition Corp. (“SWMAC”) (collectively, “Joint Applicants”), by and through counsel, jointly move the Public Service Commission of Kentucky (the “Commission”) for an Order extending the 10-day deadline by which the Chief Executive Officers of each applicant must provide a written acknowledgment accepting and agreeing to be bound by all regulatory commitments set forth in the Appendix to the Commission’s March 23, 2023 Order (“Order”).¹ Specifically, the Joint Applicants request that this 10-day deadline be extended such that the deadline by which the Chief Executive Officers of each applicant must provide the aforementioned written acknowledgment be 10 days after all rights for rehearing under KRS 278.400, an action for review under KRS 278.410, and any appeal under KRS 278.450 or Rule of Appellate Procedure 44 are exhausted.

¹ Order at 13, ordering paragraph 2.

In support of this Motion the Joint Applicants state as follows:

1. On March 23, 2023, the Commission issued an Order approving a transfer of indirect control of WSCK by way of an upstream corporate merger of Corix US and SWMAC.

2. The Appendix to the Order contains 29 regulatory commitments. These commitments are extensive and, as they were first presented in the proceeding as part of the Commission's Order, the Joint Applicants need additional time to analyze these commitments to determine whether they can comply with these commitments as written, whether they need clarification of the commitments, or whether they need to seek rehearing of these conditions.

3. The Joint Applicants are currently reviewing the regulatory commitments; however, the 10-day deadline imposed by the Order to provide a written acknowledgment accepting and agreeing to these commitments is not enough time for the Joint Applicants to conduct this review and analysis.

4. In addition, if the Joint Applicants file a petition to seek clarification or reconsideration of any of these regulatory commitments or file an appeal, the Joint Applicants should not be required to agree to these commitments until after a final order is issued and other rights to appeal have been exhausted.

For the foregoing reasons, the Joint Applicants respectfully request that the Commission enter an Order providing that this 10-day deadline be extended such that the deadline by which the Chief Executive Officers of each applicant must provide the aforementioned written acknowledgment be 10 days after all rights for rehearing under KRS 278.400, an action for review under KRS 278.410, and any appeal under KRS 278.450 or Rule of Appellate Procedure 44 are exhausted.

Respectfully submitted,

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