

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

In the Matter of:

**ELECTRONIC APPLICATION OF BLUEGRASS)
WATER UTILITY OPERATING COMPANY, LLC) CASE NO. 2022-00432
FOR ADJUSTMENT OF SEWAGE RATES)**

**BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC’S
FIRST REQUESTS FOR INFORMATION TO SCOTT COUNTY**

In accordance with the Scheduling Order by the Public Service Commission (“Commission”), Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water” or the “Company”), by counsel, hereby requests the response of intervenor Scott County to the following Requests for Information.

DEFINITIONS

1. Whenever it is necessary to bring within the scope of these information requests documents that might otherwise be construed to be outside their scope: (1) the use of “and” as well as “or” shall be construed both disjunctively and conjunctively; (2) the use of a word in its singular form shall be construed to include within its meaning its plural form as well, and vice versa; (3) the use of “include” and “including” shall be construed to mean “without limitation”; and (4) the use of a verb in any tense or voice shall be construed as the use of that verb in all other tenses and voices.

2. “**Commission**” means the Kentucky Public Service Commission.

3. “**Document**” means any written, recorded, transcribed, printed, or impressed matter of whatever kind, however produced, stored or reproduced, including but not limited to sound or pictorial recordings, computerized or electronic information, books, pamphlets, letters, memoranda, telegrams, electronic or mechanical transmissions, communications of all kinds, reports, notes, working papers, handwritings, charts, paper, writings, printings, transcriptions,

tapes and records of all kinds. “Document” includes, without limitation, all workpapers produced by or relied upon by a witness.

4. “Identify” mean the following:

a: when identifying a person, to give such person’s:

- (1) full name;
- (2) business address, residence address (if no business address is available), and telephone number;
- (3) his or her present or last known position and business affiliation at the time in question; and
- (4) the nature of such person’s participation in, and the scope of his/her responsibility with regard to, the facts and events underlying the present matter;

b: when identify an oral communication, to:

- (1) identify the author(s) thereof and the parties thereto;
- (2) state the date of the communication;
- (3) state the place of the communication;
- (4) state the substance of the communication; and
- (5) state whether such communication has been reduced to writing and, if so, identify each document and the present custodian thereof;

c: when identifying other information, to state:

- (1) the source thereof;
- (2) any oral communications pertaining thereto;
- (3) any documents pertaining thereto; and
- (4) the substance of the information;

d: when identifying a document, to:

- (1) identify the author thereof and the parties thereto;
- (2) state its title or other identifying data;
- (3) state the date of the document or, if no date appears thereon, the approximate date;
- (4) state the exact nature and substance thereof;
- (5) identify each person having possession, care, custody, or control of the original and any copies thereof; and
- (6) if such document was, but no longer is, in your possession or subject to your control, state what disposition was made of it.

5. **“Person”** includes a natural person, a business organization of any type, an unincorporated association, a governmental subdivision, agency, or entity, and a business trust.

6. **“Bluegrass Water”** shall mean Bluegrass Water Utility Operating Company, LLC as defined and identified in the first paragraph of this Request for Information.

8. **“You”** or **“your”** means Scott County, an intervenor in this action, and its respective County Judge Executive, Fiscal Court, agents, officers, employees, commissioners, consultants, and witnesses.

GENERAL INSTRUCTIONS

1. Please identify the witness who will be prepared to answer questions concerning each request.

2. If any request appears confusing, please request clarification directly from the undersigned.

3. To the extent that the specific document, workpaper or information as requested does not exist, but a similar document, workpaper or information does exist, provide the similar document, workpaper or information.

4. If you object to any request on the grounds that the requested information is proprietary in nature, or for any other reasons, please notify the undersigned as soon as possible.

5. For any document withheld on the basis of privilege, state the following: date; author; addressee; indicated or blind copies; all persons to whom distributed, shown or explained; and the nature of and legal basis for the privilege asserted.

6. To the extent that a request calls for information not available for all categories or all periods of time for which the information is sought, please explain why the information is not available and answer the request for the time or categories for which it is available.

7. These requests shall be deemed continuing, and you should serve upon counsel: (1) supplemental responses to these data requests if additional information or information that changes your response to any data request is obtained during the course of this proceeding; and (2) any documents requested herein that become available or that are discovered after the date your responses to these requests are due.

REQUESTS FOR INFORMATION

1. Please identify any and all Scott County officials who have a financial interest in any utility operating in the Commonwealth of Kentucky, or who had a financial interest in any utility operating in the Commonwealth of Kentucky in the last five (5) years. For each such official and interest, state:

- a. Who holds the interest;
- b. That person's position;
- c. The amount of the financial interest;
- d. The type of financial interest (stockholding, etc.);

- e. When that interest was acquired; and
 - f. Whether Scott County has moved to intervene in a rate proceeding involving that utility.
2. Please identify all Scott County officials who were involved in the decision to move for formal intervention in this case.
 3. For each of your witnesses, please identify the witness's specific experience (by proceeding caption and case number) testifying in rate cases. Please identify the party on whose behalf each witness testified in those proceedings, and provide a copy of or link to any written testimony of such witness in such case.
 4. Please identify and provide a copy of all engagement letters or agreements by which Ms. Miller was engaged to testify on behalf of Scott County in this matter.
 5. Please refer to Exhibit AEM-1: Curriculum Vitae of Ariel E. Miller, which indicates that Ms. Miller served as "Public Service Rates and Tariffs Manager" and "Public Utilities Financial Analyst" for the Commission. Please identify all Bluegrass Water cases before the Commission in which Ms. Miller provided oversight, direct review, or any other service as a member of Commission staff. With respect to each matter identified, please describe the nature of all services provided by Ms. Miller in her then-current role(s). For clarity, this request includes but is not limited to services provided with respect to the Notice of Intent filed in this matter on December 28, 2022.
 6. Please identify and provide copies of all opinions or other rulings or determinations that Ms. Miller sought in connection with her decision to testify in this matter and whether that decision was appropriate in light of her recent roles on Commission staff.

7. Please identify the date on which Scott County first communicated with Ms. Miller regarding this case, and please identify the individual(s) involved in that communication. Please provide a copy of those communications.

8. Please identify and provide all agreements by which Ms. Miller purported to protect the confidentiality of Bluegrass Water information that was subject to confidentiality protections in other Commission cases filed before she left employment of the Commission.

9. Please state whether you have evaluated the effects your recommendations will have on Bluegrass Water's financial integrity and provide all such studies, analyses, and related documents and calculations, including any in electronic format. In the event you have evaluated such effects, please identify your conclusion(s) and describe in detail the basis for those conclusions.

10. Please state whether you have evaluated the effects your recommendations will have on Bluegrass Water's credit ratings and provide all such studies, analyses, and related documents and calculations, including any in electronic format. In the event you have evaluated such effects, please identify your conclusion(s) and describe in detail the basis for those conclusions.

11. Please state whether you have evaluated the effects your recommendations will have on Bluegrass Water's ability to borrow funds in the marketplace or the interest rates Bluegrass Water would pay if your recommendations are accepted by the Commission, and provide all such studies, analyses, and related documents and calculations, including any in electronic format. In the event you have evaluated such effects, please identify your conclusion(s) and describe in detail the basis for those conclusions.

12. Please provide all calculations, workpapers, and other documents used to derive each adjustment shown in Exhibit AEM-2 to the Direct Testimony of Ariel Miller. Please provide these documents in electronic format with all formulas intact. For each input and for each amount listed in the exhibit, please provide the source of the input or amount and a record citation.

13. Please provide all of Scott County's policies and procedures discussing when it initiates or intervenes in court and administrative agency proceedings.

14. Please provide Scott County's resolution authorizing it to move for intervention in this proceeding.

15. Please provide all dissenting opinions or communications regarding your decision to move to intervene in this proceeding.

16. Please provide any and all internal communications regarding Bluegrass Water, CSWR, LLC, and/or Central States Water Resources, Inc. between or among the County Judge Executive, Fiscal Court, employees, agents, commissioners, city council members, or other officials of Scott County since December 1, 2022.

17. Please provide any and all correspondence received by Scott County from any member of the public discussing wastewater rates of any wastewater utility (municipal, investor-owned, or otherwise) in the county since December 1, 2018.

18. Please provide all documents showing communications between Scott County (or its agents, employees, or witnesses) and any representative(s) of the Office of the Attorney General regarding this case or any anticipated filing of this case.

19. Please provide a copy of all documents showing communications between Scott County (or its agents, employees, or witnesses) and any person (including, but not limited to

elected or appointed officials at any level of government) not a party to this case regarding, arising out of, or related to this case or any anticipated filing of this case.

20. Please refer to Ms. Miller’s testimony at 2:1–3. Has Ms. Miller previously testified in front of any regulatory commissions other than the Commission? If so, please state the client, date, location, and agency before whom Ms. Miller testified and summarize the testimony.

21. Please refer to Ms. Miller’s testimony at 7:11–15. Please explain the discrepancy between Ms. Miller’s testimony suggesting that Bluegrass Water did not meet the “fifth criteria of the Delta Test [which] requires that the purchase price of utility and nonutility property can be clearly identified” with Ms. Miller’s Testimony at 6:4–5.

22. Please refer to Ms. Miller’s testimony at 7:10-11, which states that “the fifth criteria of the Delta Test requires that the purchase price of utility and nonutility property be clearly identified.” Please explain what portion of the purchase price for any system purchased by Bluegrass Water Ms. Miller believes was not attributable to “utility property” and provide justification for this belief.

23. Please refer to Ms. Miller’s testimony at 10:8-11. Is it Scott County’s position that continuity concerns deem a rate allocation structure invalid? Please explain.

24. Please refer to Ms. Miller’s testimony at 10:14–17(“Absent evidence in the current record to substantiate a shift from the current allocation...”), Bluegrass Water’s Response to Scott County No. 1-3, PSC Exhibit 2-24, and OAG Exhibit 1-35. Please explain why Ms. Miller believes that Exhibit 2-24 does not identify the rationale underlying the allocation of costs between metered and unmetered service.

25. Please refer to Ms. Miller’s testimony at 11:5–20 and 12:1–5. Please detail the proposed timeline for each phase of Scott County’s proposed “phase-in” approach.

26. Please refer to Exhibit AEM-1 and the testimony of Ms. Miller at 2:1–3. Given the representations that Ms. Miller “[t]estified on behalf of Commission Staff in Case No. 2017-00070” and “[t]estified on behalf of Commission Staff in Case No. 2018-00017,” Exhibit AEM-1, please confirm that Ms. Miller has not previously testified on behalf of any other Person before the Commission. If she has, please identify and provide all such testimony.

27. Please explain whether Scott County or any of its elected officials owns any portion of the real property in the Delaplain service area. If so, please identify the property by service address.

28. Please refer to the portions of your Motion to Intervene alleging that Scott County has an interest in the health and safety of Scott County residents. Please also refer to Bluegrass Water’s Response to Scott County’s Request for Information No. 1-7 and the Commission’s March 30, 2023 Order (Case No. 2022-00104) referenced therein. Please describe in detail each action you took to ensure that the prior owner of the Delaplain system cured the environmental violations that were occurring in Scott County. Provide all communications evidencing the same.

29. Please identify the amount of ARPA funds received by Scott County, the amount of ARPA funds dedicated to water or wastewater services in Scott County, and the amount of ARPA funds allocated to Georgetown Municipal Water and Sewer Service.

30. If you sought ARPA funds to address the environmental issues with the Delaplain system, please identify all amounts sought, whether such amounts were received or denied, and all communications pertaining to the receipt or denial of the same.

31. Please refer to Page 8 of the Commission's March 30, 2023 Order in Case No. 2022-00104. Please provide any and all documents related to any consideration given by Scott County to provide ARPA funds to Georgetown Municipal and Sewer Service for the purpose of connecting to the Delaplain facility.

32. Please provide all documents, including public statements from any Scott County officials, regarding the 2023 rate increase approved by the City of Georgetown for the Georgetown Municipal Water and Sewer Service.

On this the 14th day of July, 2023.

Respectfully submitted,

/s/ Edward T. Depp
John E. Selent
Edward T. Depp
R. Brooks Herrick
Sarah D. Reddick
DINSMORE & SHOHL LLP
101 South Fifth Street
Suite 2500
Louisville, KY 40202
502.540.2300
502.540.2529 (fax)
John.selent@dinsmore.com
Tip.depp@dinsmore.com
Brooks.herrick@dinsmore.com
Sarah.reddick@dinsmore.com

*Counsel to Bluegrass Water Utility
Operating Company, LLC*

Certification

I hereby certify that a copy of this filing has been served electronically on all parties of record through the use of the Commission's electronic filing system, and there are currently no parties that the Commission has excused from participation by electronic means. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085, a paper copy of this filing has not been transmitted to the Commission.

/s/ Edward T. Depp
*Counsel to Bluegrass Water Utility Operating
Company, LLC*