

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

In the Matter of:

ELECTRONIC APPLICATION OF)	
BLUEGRASS WATER UTILITY)	
OPERATING COMPANY, LLC FOR AN)	Case No. 2022-00432
ADJUSTMENT OF SEWAGE RATES)	

**BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC’S
(i) RESPONSE TO ATTORNEY GENERAL’S MOTION FOR LEAVE TO
SUPPLEMENT TESTIMONY AND FOR ISSUANCE OF SUBPOENA(S);
and
(ii) UNOPPOSED MOTION FOR LEAVE TO FILE
SUPPLEMENTAL DATA REQUESTS**

Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water” or the “Company”), by counsel, and pursuant to 807 KAR 5:001 Section 4(6), and other applicable law, hereby: (i) responds to the motion for leave to file supplemental testimony and requesting the issuance of subpoenas (“Motion”) filed by the Office of the Attorney General (“OAG”); and (ii) files its Unopposed Motion for Leave to File Supplemental Data Requests regarding the OAG’s Supplemental Testimony.

1. Subject to the Opportunity to File Supplemental Data Requests Regarding the OAG’s Supplemental Testimony, Bluegrass Water Does Not Oppose the OAG’s Motion for Leave to File Supplemental Testimony.

Counsel for the OAG and Bluegrass Water have conferred and reached agreement regarding the filing of the OAG’s supplemental testimony. Bluegrass Water has no objection to the filing of the OAG’s supplemental testimony, provided that OAG timely responds to the attached supplemental data requests (Exhibit 1) that are limited to the scope of its supplemental testimony. Bluegrass Water proposes that responses to the supplemental data requests be due no

later than Tuesday, August 8, 2023, which would give the OAG no less than the typical 2 weeks to respond. The OAG has indicated that it has no objection to this proposal.

Accordingly, the Commission should: (i) grant the OAG's Motion for Leave to File Supplemental Testimony; (ii) grant Bluegrass Water's Motion for Leave to File Supplemental Data Requests; and (iii) order that responses to Bluegrass Water's supplemental data requests be served on or before August 8, 2023.

2. The Commission Should Deny the OAG's Motion for Issuance of Subpoenas.

The OAG also moves the Commission to issue subpoenas to Bluegrass Water and US Water, LLC for the audited financial statements of US Water, LLC.¹ In support of its motion, the OAG mistakenly claims that Bluegrass Water's supplemental response following the granting of the motion to compel merely "reiterate[d] its previous objection." As the record and even the OAG's own Motion acknowledges (*see* Mot. at 3), however, Bluegrass Water's sworn response was:

SUPPLEMENTAL RESPONSE: Bluegrass does not possess, and is not in control of, any audited, or unaudited, financial statements for US Water, LLC. To the best of Bluegrass Water's knowledge, such information is maintained solely by US Water, LLC.

Supplemental Response to OAG 1-61.

Consequently, it would be futile for the Commission to issue the requested subpoena to Bluegrass Water because Bluegrass Water does not possess or have custody or control of the sought-after information.² Bluegrass Water's response to a subpoena asking for the financial

¹ US Water, LLC is not a party to this proceeding and does not reside within Kentucky. *See* KRS 278.320 ("... and such process shall extend to all parts of the state").

² Moreover, the OAG's Motion should also be denied because the OAG failed to attach a completed subpoena form with the Motion. *See* 807 KAR 5:001 Section 4(6)(c).

records of US Water, LLC will say the exact same thing that its Supplemental Response to OAG 1-61 already says: “Bluegrass does not possess, and is not in control of, any audited, or unaudited, financial statements for US Water, LLC.” The Commission should therefore deny the OAG’s motion for the requested subpoena.

WHEREFORE, Bluegrass Water respectfully asks the Commission to: (1) grant the OAG’s request for leave to file supplemental testimony; (2) grant Bluegrass Water’s unopposed motion for leave to file supplemental data requests (with responses due no later than August 8, 2023); and (3) deny the OAG’s motion for the issuance of subpoenas.

Respectfully submitted,

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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
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