

**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
RESPONSE TO PUBLIC COMMENTS**

Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water” or the “Company”), by counsel, and pursuant to 807 KAR 5:001 Section 4(11), Section 5, and other applicable law, hereby responds to the public comments filed by: 1) William Daniel; 2) Businesses of Delaplain Industrial Park; and all other individual customers of Bluegrass Water (together, “Movants”). Daniel and the businesses of Delaplain both filed public comments seeking *Commission* intervention, but they did not ask to be made a party to this proceeding. *See* Letter (Mar. 30, 2023) (“I again ask the Kentucky Public Service Commission to intervene...”); Letter (Apr. 3, 2023) (“These businesses request that the PSC intervene ...”). As a result, the Commission appropriately docketed those letters as public comments. Out of an abundance of caution, to the extent the Commission ever construes the public comments as a request to be made a party to this case, Bluegrass Water files this response in opposition to any such request for intervention, for the reasons explained below.¹

¹ Due to the timing constraints associated with responding to requests for intervention, it is possible that certain individuals seeking to intervene may not be capable of identification and address in this motion. Therefore, to the extent the Commission construes any individual public comments filed as of the time of the filing of this Response as also containing a request for intervention, those requests for intervention should also be denied for the reasons set forth herein.

1. The only person with a statutory right to intervene in this matter is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (“Attorney General”), pursuant to KRS 367.150(8)(b). Specifically, Kentucky law permits the Attorney General “[t]o be made a real party in interest to any action on behalf of consumer interests” in a ratemaking case “whenever deemed necessary and advisable in the consumers’ interest by the Attorney General.” KRS 367.150(8)(b).

2. The Commission granted the Attorney General’s request for intervention in this case on January 10, 2023.

3. A person seeking intervention must have an interest in the “rates and service” of a utility, as those are the only matters over which the Commission exercises jurisdiction. KRS 278.040(2).

4. The Commission’s regulations are “clear” that intervention by parties other than the Attorney General “is permissive, not mandatory.” *Pub. Serv. Comm’n of Ky. v. Metro. Hous. Coalition*, 652 S.W.3d 648, 654 (Ky. App. 2022) (citing 807 KAR 5:001 Section 4(11) & *Inter-County Rural Elec. Co-op. Corp. v. Pub. Serv. Comm’n*, 407 S.W.2d 127, 130 (Ky. 1966)).

5. A person seeking permissive intervention must follow the Commission’s regulations. A proposed intervenor’s motion “shall include the movant’s full name, mailing address, and electronic mail address and shall state his or her interest in the case and how intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.” 807 KAR 5:001 Section 4(11)(a)(1).

6. Before granting intervention, the Commission must find that the request to intervene was timely; and 2) demonstrated that the proposed intervenor “has a special interest in

the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.” 807 KAR 5:001 Section 4(11)(b).

7. First, the Commission should deny Movants’ requests for intervention because Movants have not shown a “special interest in the case that is not otherwise adequately represented” by the Attorney General. 807 KAR 5:001 Section 4(11)(b). “A mere recitation of the quantity of water consumed by a movant or a general statement regarding the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.” *In the Matter of: Electronic Application of Bath County Water District for a Rate Adjustment Pursuant to 807 KAR 5:076*, Case No. 2022-00404 (Jan. 11, 2023).

8. The Attorney General is the statutory advocate for consumers in rate cases and therefore adequately represents consumer interests like those of Movants. The Movants do not assert a special interest in this case that the Attorney General does not otherwise adequately represent. Instead, the motions are “general statement[s] regarding the potential impact of possible modification of rates” which is not a special interest. *See id.*

9. Second, the Commission should deny Movants’ requests for intervention because the Movants are not “likely to present issues or develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.” 807 KAR 5:001 Section 4(11)(b). Movants’ requests do not set forth new issues or facts that would assist the Commission in fully considering the matter. Instead, the motions are general statements opposing the proposed rate increase without offering new issues or facts beyond what the Attorney General may assert on their behalf.

10. Therefore, because Movants are unlikely to present new issues or develop facts that would assist the Commission in fully considering this matter, Movants' participation is duplicative and will unduly complicate and disrupt the proceedings.

WHEREFORE, Bluegrass Water respectfully asks the Commission to reject any intervention as a party or parties by 1) William Daniel; 2) Businesses of Delaplain Industrial Park; and all other individual customers of Bluegrass Water.

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.

I further certify that, on this the 5th day of April, 2023, a copy of this filing has been served via United States Mail, postage prepaid, upon the following:

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204 Gemini Trail
Georgetown, KY 40324

Aichi Forge USA
596 Triport Road
Georgetown, KY 40324

Georgetown Metail Processing
650 Triport Road
Georgetown, KY 40324

Toyota Tsusho America
Angela Costello
702 Triport Road
Georgetown, KY 40324

Green Metals, Inc.
706 Triport Road
Georgetown, KY 40324

Walters Truck & Trailer Repair
410 Triport Road
Georgetown, KY 40324

American Welding Gas, Inc.
400 Triport Road
Georgetown, KY 40324

Ryder Trucks
240 W. Yusen Drive
Georgetown, KY 40324

Clarke Powers Services
401 Triport Road
Georgetown, KY 40324

Rumpke – Scott Country Transfer Station
245 W. Yusen Drive
Georgetown, KY 40324

Industry Products
325 W. Yusen Drive
Georgetown, KY 40324

Mayor, City of Georgetown
Georgetown City Engineer
235 W. Yusen Drive
Georgetown, KY 40324

ORBIS Corporation
120 Commerce Ct.
Georgetown, KY 40324

T. L. Express
328 E. Yusen Drive
Georgetown, KY 40324

Brenntag Mid-South
324 W. Yusen Drive
Georgetown, KY 40324

Industrial Tech Services
321 Triport Road
Georgetown, KY 40324

Blastics
304 Triport Road
Georgetown, KY 40324

Qualex Manufacturing
261 Triport Road
Georgetown, KY 40324

Phoenix Transportation
335 E. Yusen Drive
Georgetown, KY 40324

Bluegrass International Trucks,
Buses, RV's
101 Triport Road
Georgetown, KY 40324

Fast Trick It
109 Triport Road
Georgetown, KY 40324

Leggett & Platt, Inc.
446 Old Delaplain Rd.
Georgetown, KY 40324

Tennessee Valley Industrial Corporation
269 Triport Road
Georgetown, KY 40324

Jack Cooper Transportation
239 Triport Road
Georgetown, KY 40324

Vascor Transport, LTD.
118 Triport Road
Georgetown, KY 40324

Goodyear Commercial Tire & Service Center
102 Triport Road
Georgetown, KY 40324

Pilot Travel Center
110 Triport Road
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