

**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 )**

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**BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC’S  
REPLY IN SUPPORT OF ITS  
MOTION FOR EXTENSION OF TIME  
TO RESPOND TO SCOTT COUNTY’S FIRST DATA REQUESTS**

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1. Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water”) pursuant to 807 KAR 5:001 Section 5(3), files this Reply in support of its Motion for Extension of Time to respond to the first set of data requests (the “Requests”) issued by Intervenor Scott County. In support of this Reply, Bluegrass Water states as follows.

2. On Wednesday, May 10, 2023, Bluegrass Water – having attempted to secure agreement to the short extension sought by its motion – moved for an extension of time to respond to the Requests. Two days later (on May 12), Bluegrass Water responded to the Commission’s second set of data requests, totaling twenty-seven questions. On May 12, it also responded to all but nine of the Attorney General of Kentucky’s first set of data requests, totaling 135 questions (over 350, counting subparts). Responses to those remaining nine requests from the Attorney General were subsequently filed on Tuesday, May 16.

3. In response to Bluegrass Water’s motion, Scott County claims that it needs two weeks to review responses to four particular requests: Request Nos. 1-5, 1-16, 1-18, and 1-19. Resp. at ¶ 5. Its claim is unconvincing.

4. Scott County's Request No. 1-16 references the "docket approving the application for transfer or ownership of each system acquired by Bluegrass Water," and then subpart (a) requests information related to the "Commission Order." Similarly, Scott County Request No. 1-18 asks for "testimony submitted in each docket" and the "final order in the proceeding." These requests seek information that is already available to Scott County in the public record. There is no reason Bluegrass Water should be required to produce that publicly-available information to Scott County, and there is no reason Scott County could not have been already reviewing this information, even before data requests were issued or its intervention was granted.

5. Scott County also argues that it needs two weeks to review answers to Request No. 1-5. Request No. 1-5 seeks workpapers that were provided with the Application months ago, with additional workpapers provided in response to the great multitude of other requests for information answered on May 12. In either case, Scott County will have had access to the vast bulk (if not all) of the requested information for at least two weeks before any supplemental requests are due, and in some cases longer.

6. Scott County also argues that it needs two weeks to review answers to Request No. 1-19. Request No. 1-19 asks for information not about Bluegrass Water, but about different utilities operating in foreign jurisdictions. Information pertaining to those different entities is not relevant to this proceeding. But even if it were, Scott County has already had access to information in the public record in those other jurisdictions for at least two weeks, and likely much longer. Again, there is no reason Scott County could not have been already reviewing this information, even before data requests were issued or its intervention was granted.

7. Simply put, there is no reasonable basis for Scott County to claim that it needs two weeks to review the information it seeks in response to Request Nos. 1-5, 1-16, 1-18, and 1-19. If

the information is as important to Scott County as it claims, then there is no good reason Scott County cannot have already been reviewing that material from existing public records.

8. Moreover, Bluegrass Water notes that it has presented a confidentiality agreement to Scott County so that Bluegrass Water may share confidential information for Scott County's review on a confidential basis, pending ruling on Bluegrass Water's Motions for Confidential Treatment. Scott County has, to date, failed to provide comment or execute the confidentiality agreement, further underscoring that the asserted urgency to review this particular material has no basis in actual fact.

9. Scott County's purported inability to adequately review all information prior to the due date for supplemental requests for information results only from its own delay and failure to review the records referenced in its own Requests. Similarly, that Scott County was not granted the rights of a party in this proceeding until after the due date for initial requests for information was caused by its own delay, waiting over 15 weeks from the Notice of Intent and over 6 weeks from the filing of the Application to seek to intervene in this matter.

10. Accordingly, Scott County will not be prejudiced by the brief extension sought.

WHEREFORE, Bluegrass Water respectfully requests that the Commission grant its motion for an extension of time until May 19, 2023 to respond to Scott County's first set of data requests. Bluegrass Water also respectfully requests that the Commission deny Scott County's alternative request for an extra seven days to file its supplemental requests for information to Bluegrass Water.

This the 17th day of May, 2023.

Respectfully submitted,

/s/ Edward T. Depp

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**Certification**

I hereby certify that a copy of this Motion 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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