

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

**In the Matter of:**

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

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**BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC’S  
RESPONSE TO THE OFFICE OF THE ATTORNEY GENERAL’S NOTICE  
REGARDING SUBPOENA**

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Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water” or the “Company”), by counsel, hereby files its Response to the Office of Attorney General’s Notice Regarding Subpoena (the “Notice”) that was electronically filed with Commission on Friday, August 18, 2023.

On August 14, 2023, the Commission ordered:

5. Within seven days of the date of service of this Order, the Attorney General shall provide the Commission with the requisite information pursuant to 807 KAR 5:001, Section 4, regarding the entity for which it is requesting service of a subpoena, including the manner and address at which the Attorney General proposes service.

Order of Aug. 14, 2023, at 5 (emphasis added) (hereinafter the “Order”). The Attorney General (“OAG”) has not complied with this Order.

Instead, the OAG directed Bluegrass Water to provide this information. As was explained to the OAG prior to its filing of the Notice, Bluegrass Water is not obligated to assist the OAG with determining how or where to serve discovery to non-parties on behalf of the OAG.

As the chief law enforcement office for the Commonwealth, the OAG should, of course, know how to identify and locate potential subpoena recipients; it should also know how to comply

with 807 KAR 5:001, Section 4, the applicable regulation that was specifically identified in the Order, which it still has not satisfied. Moreover, the OAG's terse direction that the Commission consider whether Kentucky's long-arm statute (KRS 454.210) should apply effectively concedes what any plain reading of that statute would quickly show: it does not.

Whatever the reason for the OAG's failure to comply with the obligations imposed by the Order, there is no benefit to pursuing futile exercises such as this. *See also* Bluegrass Water's Response to Motion for Issuance of Subpoena(s) at 2-3 (July 25, 2023). Consequently, the Commission should not issue the requested subpoena(s).

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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