

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

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

NOTICE REGARDING SUBPOENA

The Attorney General of the Commonwealth of Kentucky, through his Office of Rate Intervention (“Attorney General”) submits this notice in response to the Commission’s Order of August 14, 2023.

The Attorney General has asked for financial statements for the indirect parent of Bluegrass Water Utility Operating Company, LLC (“Bluegrass”). Based on the organizational chart submitted by Bluegrass, that entity is named US Water, LLC.¹ Through counsel, the Attorney General requested that Bluegrass provide the name and address for a registered agent. Bluegrass has declined that request. Bluegrass represents that they do not have this information and are not obligated to obtain it.

Therefore, the Attorney General has done its best to identify the correct entity to be served. In a 2022 South Carolina Public Service Commission matter, the South Carolina affiliate represented that US Water, LLC is a Delaware Limited Liability Company.² A search of the Delaware Division of Corporations website reveals no listing for “US Water, LLC” but does contain “U.S. Water, LLC” listing. The registered agent for

¹ See Exhibit 3 to the Application.

² *Joint Application for Approval of the Sale of Assets and Transfer of Facilities, Territory, and Certificate of Public Convenience and Necessity from Total Environmental Solutions, Inc. to CSWR South Carolina Utility Operating Company, LLC*, See Stipulation of November 2, 2022. <https://dms.psc.sc.gov/Attachments/Matter/07383fb4-665c-4414-9b62-1adddede616f> (accessed August 16, 2023)

that entity is Cogency Global Inc., 850 New Burton Road Suite 201, Dover, DE 19904.

Importantly, affiliates in other states have identified US Water by other formal names. For example, in in recent litigation where similar issues were raised, the Missouri Public Service Commission listed “US Water Systems LLC” as the entity that owns CSWR, LLC, not US Water, LLC or U.S. Water, LLC.³ Missouri served US Water Systems, LLC at Legal Department, c/o/ Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

The Commission should consider whether it has jurisdiction over a utility’s indirect parent pursuant to Kentucky’s long arm statute, KRS 454.210.

³ *In the Matter of Confluence Rivers Utility Operating Company, Inc.’s Request for Authority to Implement a General Rate Increase for Water Service and Sewer Service Provided in Missouri Service Areas*, See Order of August 10, 2023, https://efis.psc.mo.gov/mpsc/commoncomponents/view_itemno_details.asp?caseno=WR-2023-0006&attach_id=2024001893 (accessed August 16, 2023).

Respectfully submitted,

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Certificate of Service and Filing

Pursuant to the Commission's Orders in Case No. 2020-00085, and in accord with all other applicable law, Counsel certifies that, on August 18, 2023, a copy of the forgoing was served by electronic mail via the Commission's electronic filing system.

this 18th day of August, 2023.

A handwritten signature in blue ink, appearing to read "J. Michael" followed by a stylized flourish.

Assistant Attorney General