

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

**In the Matter of:**

<b>ELECTRONIC JOINT APPLICATION OF</b>	)	
<b>BLUEGRASS WATER UTILITY OPERATING</b>	)	
<b>COMPANY, LLC FOR APPROVAL OF ACQUISITION</b>	)	
<b>AND TRANSFER OF OWNERSHIP AND</b>	)	<b>Case No.</b>
<b>CONTROL OF ASSETS OF MAGRUDER VILLAGE</b>	)	<b>2023-00218</b>
<b>WATER COMPANY</b>	)	

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**NOTICE OF PUBLIC AVAILABILITY OF  
PREVIOUSLY CONFIDENTIAL INFORMATION**

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Pursuant to 807 KAR 5:001 Section 13(10)(a)(2)(b) and the October 10, 2023 Commission Order in this matter, Bluegrass Water Utility Operating Company (“Bluegrass Water” or the “Company”) hereby informs the Public Service Commission (the “Commission”) of the public availability of engineering information previously treated as confidential by the Commission.

1. On June 29, 2023 Bluegrass Water and Magruder Village Water Company (“Magruder Village”) submitted a joint application for the Commission’s approval of Bluegrass Water’s acquisition of Magruder Village’s assets.<sup>1</sup>

2. As part of its application, Bluegrass Water submitted an engineering report prepared by 21 Design Group, Inc. (“21 Design”).<sup>2</sup> Because – on a pre-closing basis – the report revealed commercially sensitive information about Bluegrass Water’s internal processes, as well as its methods of evaluating and actual assessments of wastewater systems for potential

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<sup>1</sup> Case No. 2023-00218, *Electronic Joint Application of Bluegrass Water Utility Operating Company, LLC for Approval of Acquisition and Transfer of Ownership and Control of Assets of Magruder Village Water Company*, (Ky. PSC June 29, 2023) Application.

<sup>2</sup> *Id.* at Ex. 3.

acquisition, the Company submitted a Motion for Confidential Treatment of the 21 Design engineering report.<sup>3</sup> On October 10, 2023, the Commission granted Bluegrass Water’s motion and designated the engineering report as confidential material until the closing of the transfer transaction or further orders by the Commission.<sup>4</sup>

3. Following closing on the system, Bluegrass Water executed an Agreed Order with the Kentucky Energy and Environment Cabinet, the Department of Environmental Enforcement, and the Department of Water (“DOW”). In the Agreed Order, the Company agreed to undertake remedial measures to ensure the Magruder Village water system’s compliance with its Kentucky Pollution Discharge Elimination Systems permit.<sup>5</sup> Because 21 Design’s engineering report formed the basis for many of the remedial measures agreed upon by the parties, the executed Agreed Order includes the engineering report as an attached exhibit.

4. In connection with closing on the Magruder Village system and as required by Commission Order, Bluegrass Water provided the Commission with a copy of the executed Agreed Order, including an unredacted version of the 21 Design engineering report, on March 4, 2024.<sup>6</sup>

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<sup>3</sup> Case No. 2023-00218, *Electronic Joint Application of Bluegrass Water Utility Operating Company, LLC for Approval of Acquisition and Transfer of Ownership and Control of Assets of Magruder Village Water Company* (Ky. PSC June 29, 2023) Motion for Confidential Treatment at 3.

<sup>4</sup> Case No. 2023-00218, *Electronic Joint Application of Bluegrass Water Utility Operating Company, LLC for Approval of Acquisition and Transfer of Ownership and Control of Assets of Magruder Village Water Company* (Ky. PSC Oct. 10, 2023) Order, at 6.

<sup>5</sup> Case No. DOW 24-3-001, *Agreed Order* (Ky. EEC Feb. 19, 2024) at 1-2; Case No. 2023-00218, *Electronic Joint Application of Bluegrass Water Utility Operating Company, LLC for Approval of Acquisition and Transfer of Ownership and Control of Assets of Magruder Village Water Company* (Ky. PSC Mar. 4, 2024) notice filing of Executed Agreed Order with the DOW.

<sup>6</sup> Case No. 2023-00218, *Electronic Joint Application of Bluegrass Water Utility Operating Company, LLC for Approval of Acquisition and Transfer of Ownership and Control of Assets of Magruder Village Water Company* (Ky. PSC Oct. 10, 2023).

5. 807 KAR 5:001 Section 13(10)(a)(2)(b) requires that parties who sought confidential protection for materials must provide written notice to the Commission if, after being granted confidential treatment, those materials become publicly available. Additionally, the Commission's October 10, 2023 Order requires that Bluegrass Water provide the Commission with notice if any of the materials named in the motion no longer qualify for confidential treatment.<sup>7</sup>

6. Pursuant to 807 KAR 5:001 Section 13(10)(a)(2)(b) and the Commission's October 23, 2023 order in this matter, Bluegrass Water hereby notifies the Commission that the 21 Design engineering report which had previously been granted confidential treatment is now publicly available in the March 4, 2024, notice filing of the Executed Agreed Order with the DOW.

On this 7th day of March, 2024.

Respectfully submitted,

/s/ Edward T. Depp

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<sup>7</sup> *Id.* at 6.

### **Certification**

I hereby certify that a copy of this Notice 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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