

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

ELECTRONIC INVESTIGATION INTO	)	
THE FINACIAL AND OPERATING	)	
CAPACITY OF BLACK MOUNTAIN	)	CASE NO.
UTILITY DISTRICT AS WELL AS	)	2023-00235
POSSIBLE VACANCIES ON THE	)	
BOARD OF COMMISSIONERS OF	)	
BLACK MOUNTAIN UTILITY DISTRICT	)	

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**NOTICE OF PUBLICATION AND MOTION FOR EXTENSION**

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Comes now, Black Mountain Utility District (“Black Mountain”), by counsel, and respectfully provides notice of publication of vacancies on the Black Mountain Board of Directors to the Kentucky Public Service Commission (“Commission”) and respectfully requests the Commission grant an extension of time for the publication. In support of this motion, Black Mountain states as follows:

1. On October 9, 2023, the Commission opened this proceeding to investigate the financial and operating capacity of Black Mountain. After multiple requests for information and a formal hearing, the Commission issued an Order on August 20, 2024, finding several violations.
2. As part of the August 20, 2024 Order the Commission dismissed two commissioners and required Black Mountain to publish notice of the Board vacancies within 20 days of the date of entry of the Order.

3. The August 20, 2024 Order required the notice of vacancies to be published on September 9, 2024<sup>1</sup>; however, due to delays the notice was not published in the *Harlan Daily Enterprise* until September 11, 2024. The Publisher's Affidavit and a copy of the notice can be found in Attachment A to this motion.

4. Black Mountain is requesting the Commission permit the two-day delay in publication by granting an extension of time for publication and not find Black Mountain in violation of the August 20, 2024 Order. Black Mountain was working with the *Harlan Daily Enterprise* to publish the notice within the 20 days as required by the Order. The delay was not material and was not intentional. Neither the Commission nor the public is harmed by the two additional days before publication.

WHEREFORE, Black Mountain provides notice of the publication of the Black Mountain Board vacancies and moves the Commission to not find Black Mountain in violation of the August 20, 2024 Order because the notice was published within twenty-two (22) days of the Order.

This 16<sup>th</sup> day of September, 2024.

Respectfully submitted,

*Heather S. Temple*

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*Counsel for Black Mountain Utility District*

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<sup>1</sup> Case No. 2023-00235, August 20, 2024 Order at Ordering Paragraph 8 (Ky. PSC Aug. 20, 2024).

**CERTIFICATE OF SERVICE**

This is to certify that the electronic filing was transmitted to the Commission on September 16, 2024, and that there are currently no parties that the Commission has excused from participation by electronic means in this proceeding. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 no paper copies of this filing will be made.

*Heather S. Temple*

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*Counsel for Black Mountain Utility District*

# **ATTACHMENT A**

# Publisher's Certificate of Publication

## STATE OF KENTUCKY COUNTY OF HARLAN

Jeff Kuerzi, being duly sworn, on oath says he is and during all times herein stated has been an employee of Harlan Newsmedia publisher and printer of the The Harlan Daily Enterprise (the "Newspaper"), has full knowledge of the facts herein stated as follows:

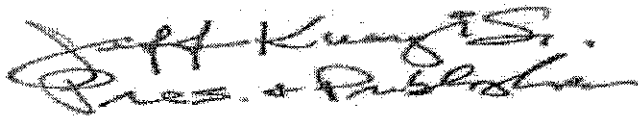
1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:  
09/11/24
2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.
3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney

### PUBLIC NOTICE

#### APPENDIX APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2023-00235 DATED JUN 14 2024

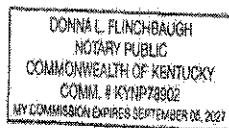
Let it be known to the residents served by Black Mountain Utility District that there are two vacancies on the Black Mountain Utility District's Board of Commissioners. Five vacancies to be filled within the Black Mountain Utility District service area. The requirements to serve as a commissioner can be found at KRS 74.020. Any person interested in applying for the position shall submit notification, in writing, referencing Case No. 2023-00235 with contact information and any qualifications to the Public Service Commission located at 211 Sower Boulevard, Frankfort, Kentucky 40601, within 20 days of the date of this publication.

Harlan Enterprise: Sept. 11, 18,  
25, Oct. 2 and 9, 2024  
APPENDIX/2023-00235



Jeff Kuerzi, publisher

Subscribed and sworn to before me this  
11th Day of September, 2024



Donna Flinchbaugh, Notary Public  
Kentucky State at Large  
KYNP78902  
My commission expires 09-05-2027

Account #  
Ad # 1877301

BLACK MOUNTAIN UTILITY  
609 FOUR MILE ROAD  
BAXTER KY 40806

# Proof

Client	KENVIRONS INC MEGAN LAMBRIGHT	Phone	(502) 695-4357
Address	770 WILKINSON BLVD FRANKFORT, KY 40601	E-Mail	mlambright@kenvirons.com
		Fax	
AD #	1877301	Requested By	KENVIRONS INC MEGAN LAMBRIGHT
Account	220060	PO #	
Class	2610	Created By	KAYLA REEVES
Start Date	09/11/24	Creation Date	09/03/2024
End Date	10/09/24	Dimensions	1 X 7.611
Run Dates	34	Price	\$401.45
Pubs	Harlan Enterprise, harlandaily.com		
Order #	1853358		
Sales Rep	Stacey Meadows	Phone	
		E-Mail	kayla.reeves@shelbycountyre- porter.com
		Fax	

**NOT AN INVOICE**

**PUBLIC NOTICE**

**APPENDIX  
APPENDIX TO AN ORDER  
OF THE KENTUCKY PUBLIC  
SERVICE COMMISSION  
IN CASE NO. 2023-00235  
DATED JUN 14 2024**

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