

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

In the Matter of:

ELECTRONIC APPLICATION OF)	
BLUEGRASS WATER UTILITY)	
OPERATING COMPANY, LLC)	
FOR AN ORDER DECLARING THAT:)	
(1) FUTURE REMOTE MONITORING)	
EQUIPMENT INSTALLATIONS ARE)	Case No. 2024-00087
EXEMPT FROM CPCN REQUIREMENTS;)	
AND (2) THE PARTIAL WAIVER OF DAILY)	
IN-PERSON INSPECTIONS WILL APPLY)	
TO FUTURE SYSTEMS RECEIVING)	
REMOTE MONITORING EQUIPMENT)	

MOTION FOR PROCEDURAL SCHEDULE

Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water” or the “Company”), by counsel, and pursuant to KRS 278.020, 807 KAR 5:001, 807 KAR 5:006, 807 KAR 5:071, and other applicable law hereby moves the Kentucky Public Service Commission (the “Commission”) to issue an Order setting a procedural schedule if the Commission finds that additional discovery is required for the Commission to rule on the application. In support of its Motion, the Company states as follows.

On April 17, 2024, Bluegrass Water filed an application for an Order declaring that: (1) the installation of Remote Monitoring Equipment (“RME”) at three recently-acquired systems (the Yung Farm, Commonwealth Wastewater and Magruder Village wastewater facilities) and at similar facilities acquired in the future, constitutes an ordinary extension of existing systems in the usual course of business;¹ and (2) the partial waiver of daily inspections granted in Case No. 2022-00216 is appropriate at these Subject Systems once RME has been successfully installed and is

¹ Together, the Yung Farm, Commonwealth Wastewater, Magruder Village, and any future-approved acquisitions will be referred to herein as the “Subject Systems,” collectively, or each a “Subject System,” individually.

operational (the “Application”). As set forth in the Company’s verified Application, the installation of RME at newly-acquired systems will facilitate more efficient, uniform operation and oversight of the Company’s systems in Kentucky.

Under the Commission’s regulations, the Commission may grant an application for declaratory order without issuing discovery requests.²

Pursuant to 807 KAR 5:001, Section 19, the Commission may, among other things, ‘issue a declaratory order. . . with respect to the meaning and scope of an order or administrative regulation of the commission or provision of KRS Chapter 278.’ The Commission ‘may dispose of an application for a declaratory order solely on the basis of the written submissions filed’ or may allow for other actions, including additional discovery, to ensure that the record is complete.³

Bluegrass Water believes that its Application contains sufficient, verified facts and legal analysis to support an order granting the requested relief. If, however, the Commission believes that additional discovery may be required before the Application can be decided, the Company respectfully requests that the Commission issue an Order setting forth a procedural schedule that will facilitate a decision on the merits by the end of the year.

WHEREFORE, Bluegrass Water respectfully requests that the Commission:

1. Declare that:
 - a. installation of RME at the Subject Systems ((i) Yung Farm, Commonwealth Wastewater, Magruder Village, and (ii) similar small wastewater facilities the Company acquires in the future with the Commission’s approval)

² *In the Matter of: Electronic Application of Kentucky Utilities Company and Louisville Gas and Electric Company for Declaratory Order that the Proposed Construction of Lisle Avenue Operations Center and the Proposed Purchase of an Office Building in Eastern Jefferson County are Ordinary Extensions in the Usual Course of Business and Do Not Require a Certificate of Public Convenience and Necessity*, Case No. 2023-00415, Order, fn. 1 (Ky. PSC Apr. 4, 2024) (internal citation omitted).

³ *Id.*

constitutes an ordinary extension of existing systems in the usual course of business; and

- b. because “remote monitoring systems, at least in part, serve the same purpose as the daily inspection requirement set forth in 807 KAR 5:071 by ensuring that a utility is constantly monitoring the performance of equipment to prevent failures and ensure adequate service,” and triweekly inspections are “sufficient to ensure the remote monitoring systems are functional,” a partial waiver of 807 KAR 5:071 Section 7(4) is appropriate at Bluegrass Water’s facilities with RME.⁴

- 2. In the alternative, issue an Order setting forth a procedural schedule that will facilitate a decision on the merits by the end of this year.

This 19th day of September, 2024.

Respectfully submitted,

/s/ Edward T. Depp
Edward T. Depp
Holly C. Wallace
John D. A. Lavanga
Dinsmore & Shohl LLP
101 S. Fifth St., Suite 2500
Louisville, KY 40202
tip.depp@dinsmore.com
holly.wallace@dinsmore.com
john.lavanga@dinsmore.com
Phone: (502) 540-2347
Fax: (502) 585-2207

*Counsel to Bluegrass Water Utility
Operating Company, LLC*

⁴ *In the Matter of: Electronic Application of Bluegrass Water Utility Operating Company, LLC For a Certificate of Public Convenience and Necessity for the Installation of Monitoring Equipment and for a Corresponding Limited Waiver of Daily Inspection Requirements, Case No. 2020-00216, Order at 35 (Ky. PSC Aug. 2, 2023).*

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 _____
*Counsel to Bluegrass Water Utility
Operating Company, LLC*