

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

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE	)	CASE NO.
STATUS OF THE POTENTIAL EXPANSION OR	)	2025-259
REPLACEMENT OF THE BULLOCK PEN WATER	)	
DISTRICT TREATMENT PLANT	)	

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**MOTION TO INTERVENE**

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The City of Crittenden (“Crittenden”), by and through counsel, pursuant to 807 KAR 5:0001E, Section 4 (11), respectfully moves that it be granted leave to intervene in this matter and that it be granted full intervention statuses. On August 12, 2025, the PSC issued an Opening Order regarding the potential expansion or replacement of the Bullock Pen Water District Treatment Plant. The Commission’s order outlined that Bullock Pen’s purchase of land did not require Commission approval of a Certificate for Public Convenience and Necessity (CPCN), but had cautioned regarding future construction or other similar projects must. Almost two years have passed, since Bullock Pen purchased the 12.97 acre tract, but nothing else has been filed herein, seeking construction for expansion and/or replacement. As the Commission’s Order sets forth, said potential expansion or replacement will come with significant cost and subsequent rate increases to the Bullock Pen customers. The City of Crittenden is a municipal corporation, serving its residents, with it’s residents being served by Bullock Pen.

807 KAR 5:0001E, Section 4 (11) (a) (2) (b) states that upon timely motion, the commission shall grant a person leave to intervene, “if ... he or she has a special interest in the case that is not otherwise adequately represented or that his or her intervention is likely to present issues or to develop facts that assist the commission in fully considering the matter without unduly

complicating or disrupting the proceedings.”. Here, this request to intervene is timely and approval of the application in this matter will have a significant impact on the citizens of the City of Crittenden. Crittenden has a special interest in this matter, and it will not be adequately represented by the other parties. Specifically, while representing the interests of all of Crittenden’s residents, Crittenden anticipates addressing issues and developing facts on the following additional issues: That the KIA has deferred Bullock Pen’s loan application, setting forth concerns regarding the feasibility/need for the project; whether the residents/water users of Crittenden, as well as other Bullock Pen customers are better served by consolidation in joining the Boone, Florence Water Commission and/or purchasing water from Northern Kentucky Water District; does Bullock Pen lake have the capacity to serve additional customers; does the current plant serve the customers, with additional customers not possible, rendering a new plant construction simply a significant cost, with no reason other than significant rate increases; as the KIA meeting discussed, the need to utilize existing facilities versus new construction; that the KIA, which will be required for funding, will require approval from the Commission, as well as a feasibility study. The KIA Board Meeting specifically addressed the need for a feasibility study, need for Division of Water and PSC engagement, illustrating that as one KIA Board Member stated Bullock Pen had the “cart before the horse.”

The intervention is necessary to protect the residents/users of the City of Crittenden from the continued expenditure of funds by Bullock Pen, without following normal approval process. As detailed above, Crittenden's participation in this matter is likely to assist the Commission in developing and identifying facts and issues and in fully considering this matter without unduly complicating or disrupting the proceedings. Further, Crittenden desires to play a constructive role in this matter and isolate issues that are most important to it. Crittenden’s focus will serve to neither

unduly complicate nor disrupt the proceeding. As KIA Board Members sought to question feasibility and other factors, the City of Crittenden's intervention can seek to ensure information between the Division of Water and KIA is properly presented to this Commission.

Accordingly, Crittenden has a special interest in this case that is not otherwise adequately represented and because it is likely to assist the Commission in developing and identifying facts and issues without unduly complicating or disrupting the proceedings. Therefore, Crittenden respectfully requests intervention in this proceeding.

Respectfully submitted,

/s/ Brandon N. Voelker

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served on this 27th day of August, 2025, via regular and/or electronic mail upon the following:

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/s/ Brandon N. Voelker

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