

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BLUEGRASS	)	
WATER UTILITY OPERATING COMPANY, LLC	)	CASE NO.
FOR AN ADJUSTMENT OF WATER AND	)	2025-00354
SEWAGE RATES	)	

**SCOTT COUNTY, KENTUCKY RESPONSE TO
BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC’S
FIRST REQUEST FOR INFORMATION**

Comes now Scott County, Kentucky (“Scott County”), by and through counsel, and tenders its Response to Bluegrass Water Utility Operating Company, LLC’s First Request for Information.

WHEREFORE, Scott County respectfully submits its Response to Bluegrass Water Utility Operating Company, LLC’s First Request for Information.

Respectfully submitted,

/s/ David E. Spenard

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NOTICE AND CERTIFICATION FOR FILING

Undersigned counsel provides notices that the electronic version of the paper has been submitted to the Commission by uploading it using the Commission's E-Filing System on this 3rd day of September. Pursuant to the Commission's July 22, 2021 Order in Case No. 2020-00085 (Electronic Emergency Docket Related to the Novel Coronavirus COVID-19), the paper, in paper medium, is not required to be filed.

/s/ David E. Spenard

NOTICE CONCERNING SERVICE

The Commission has not yet excused any party from electronic filing procedures for this case.

/s/ David E. Spenard

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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FIRST REQUEST FOR INFORMATION**

1. Please identify all Scott County officials who were involved in the decision to move for formal intervention in this case and describe the process leading up to that decision.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Response:

County Judge/Executive Joseph Pat Covington, the Members of the Scott County Fiscal Court, and the Scott County Attorney. The Scott County Attorney did not vote on the matter. The process was through a meeting of the Fiscal Court.

The link to the meeting:

<https://www.youtube.com/live/Zu5BRUs1e28?si=Z649xORvLTte8DXu>

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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2. For each of your witnesses, please identify the witness's specific experience (by proceeding caption and case number) testifying in rate cases. Please identify the party on whose behalf each witness testified in those proceedings, and provide a copy of or link to any written testimony of such witness in such case.

Witnesses Responsible:

Michael P. Gorman

Objection:

Scott County objects to the oppressively broad nature of the request for information. The production of the information in the format sought (given the time allocated through the existing procedural schedule) is impracticable and presents an undue burden and expense.

Response:

Objection notwithstanding, please see "Scott County response to Bluegrass 2 MPG Attachment for 2" which contains a schedule including, among other things, jurisdiction and docket number for each of Mr. Gorman's testimonies filed since September 1, 2023.

Note: Scott County has not filed any testimony by Judge/Executive Joseph Pat Covington and does not plan to call him as a witness. He is identified in these responses because he is responsible for gathering and providing information for certain of the Scott County responses.

Attachment for 2

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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3. Please refer to the Direct Testimony of Mr. Michael P. Gorman, 1:11-13.

- a. Please confirm that Mr. Gorman is providing testimony on behalf of Scott County in this case.
- b. Please confirm that Mr. Gorman's opinions expressed in the written testimony represent the positions of Scott County in this case.

Witness Responsible:

Michael P. Gorman

Response:

Part a. Confirm.

Part b. **Objection:** Mr. Gorman's testimony speaks for itself. Scott County does not have the burden of proof in this proceeding and has not undertaken a burden of proof. Scott County's advocacy in the instant case, including its final position on any issue, will be through post-hearing brief after, among other things, public comments, evidence of record, and examination of that evidence.

Objection notwithstanding: Mr. Gorman's testimony outlines his position and recommendations for the issues outlined in this testimony. Mr. Gorman cannot comment on behalf of Scott County, but it is his understanding that his testimony was approved for filing by Scott County.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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4. Please identify and provide a copy of all engagement letters or agreements by which Mr. Gorman was engaged to testify on behalf of Scott County in this matter.

Witness Responsible:

Michael P. Gorman

Response:

A public (redacted) copy of the contract is attached as "Scott County response to Bluegrass 4 BAI Contract Attachment for 4 – public." Scott County has redacted the consultant cost rates in the attachment and is filing a petition for confidential treatment of the information (and transmitting a non-redacted copy to the Commission's Executive Director).

Attachment for 4

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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5. Please provide all calculations, workpapers, and other documents used to derive each adjustment shown in the Exhibits to the Direct Testimony of Mr. Gorman. Please provide these documents in electronic format with all formulas intact. For each input and for each amount listed in the exhibit, please provide the source of the input or amount and a record citation.

Witness Responsible:

Michael P. Gorman

Response:

Please see Scott County, Kentucky Response to Commission' Staff's First Request for Information, Item 1 (Attachment 1, provided in both PDF and Excel file).

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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6. Please provide a copy of all documents showing communications between you and any person (including, but not limited to, elected or appointed officials at any level of government) not a party to this case regarding, arising out of, or related to this case.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Assertion of Privilege:

Scott County asserts attorney-client privilege for its confidential communications in furtherance of the rendition of professional legal services. It also asserts this privilege for its communications with its experts.

Objection:

Scott County objects to the oppressively broad nature of the request for information. While it is possible that Scott County may have information falling within the scope of this request, asking all Scott County officials, agents, employees, and witnesses to review their records for such information (regardless of its nature) results in an undue burden or expense, particularly the disruption of government services for individuals who have no direct connection with the instant case; and annoyance of those individuals.

Response:

Objection notwithstanding, please see "Attachment for 6" (which includes a record for which the attorney-client privilege has been waived). Scott County will supplement the response if additional records for this period are discovered.

Note: Consistent with 807 KAR 5:001, Section 4 (10), certain identifiers in the response have been obscured.

Attachment for 6

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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7. Please state whether you have evaluated the effects your recommendations will have on Bluegrass Water's financial integrity and provide all such studies, analyses, and related documents and calculations, including any in electronic format. In the event you have evaluated such effects, please identify your conclusion(s) and describe in detail the basis for those conclusions.

Witness Responsible:

Michael P. Gorman

Response:

Mr. Gorman's testimony does not modify the Company's claimed revenue requirement and revenue deficiency in this case. Rather, Mr. Gorman's testimony addresses distribution of the Company's revenue requirement across its system based on a consolidated rate methodology for the systems which Bluegrass Water provides water services. As a result, Mr. Gorman's recommendation would have no impact on Bluegrass Water's financial integrity nor its credit rating standing that would distinguish his recommendations from the financial integrity and credit standing implications of the Company's filing.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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8. Please state whether you have evaluated the effects your recommendations will have on Bluegrass Water's credit ratings and provide all such studies, analyses, and related documents and calculations, including any in electronic format. In the event you have evaluated such effects, please identify your conclusion(s) and describe in detail the basis for those conclusions.

Witness Responsible:

Michael P. Gorman

Response:

Please see response to 7 above.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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9. Please state whether you have evaluated the effects your recommendations will have on Bluegrass Water's ability to borrow funds in the marketplace or the interest rates Bluegrass Water would pay if your recommendations are accepted by the Commission, and provide all such studies, analyses, and related documents and calculations, including any in electronic format. In the event you have evaluated such effects, please identify your conclusion(s) and describe in detail the basis for those conclusions.

Witness Responsible:

Michael P. Gorman

Response:

Mr. Gorman's testimony concerns the allocation of the Company's revenue requirement across its wastewater customers' and rate classes for which it provides service. The impact on these wastewater rates is outlined in Mr. Gorman's testimony as illustrated in his Exhibit MPG-2 and MPG-3.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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10. Please explain whether Mr. Gorman was paid by the Office of the Attorney General, Scott County, or both intervenors in exchange for his written testimony in this case.

Witness Responsible:

Michael P. Gorman

Response By Counsel

Mr. Gorman has been retained by Scott County and does not have a contract with the Office of the General for the instant case.

Response:

Mr. Gorman was provided a draft of the revenue requirement recommendation that was expected to be made by the Office of the Attorney General witness in this proceeding prior to him filing his direct testimony.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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FIRST REQUEST FOR INFORMATION**

11. Please provide all of Scott County's policies and procedures discussing when it initiates or intervenes in court and administrative agency proceedings.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Objection:

Scott County objects to the oppressively broad nature of the request for information concerning the initiation or intervention in court and administrative proceedings. Scott County has a broad range of governmental interests and functions, and identifying and explaining policies and procedures is an undue burden. Scott County further objects to any collateral attack by Bluegrass Water upon the Commission's Order granting Scott County intervention into the instant case and the attempt to develop or present any claims or theories that have been procedurally defaulted or waived.

Response:

The above objection notwithstanding: Scott County considers intervention in utility proceedings on a case-by-case basis. See also response to 1 above.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC'S
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12. Please provide the Scott County Fiscal Court's resolution authorizing Scott County to move for intervention in this proceeding.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Response:

The Fiscal Court voted to intervene on December 23, 2025 via motion. A copy of the minutes is attached as Attachment for 12.

The link to the meeting:

<https://www.youtube.com/live/Zu5BRUs1e28?si=Z649xORvLTte8DXu>

Attachment for 12

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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13. Please provide all dissenting opinions or communications regarding your decision to move to intervene in this proceeding.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Response:

The vote of the Fiscal Court on this matter was unanimous.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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14. Please provide any and all internal communications regarding Bluegrass Water, CSWR, LLC, and/or Central States Water Resources, Inc. between or among the County Judge Executive, Fiscal Court, employees, agents, commissioners, city council members, or other officials of Scott County since October 24, 2025.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Assertion of Privilege:

Scott County asserts attorney-client privilege for its confidential communications in furtherance of the rendition of professional legal services.

Objection:

Scott County objects to the request for any trial preparation materials or work-product including any communications that concern the mental impressions, conclusions, opinions, or legal theories of counsel or other representative of Scott County concerning the litigation and objects to the request for information concerning assessments of and strategy for the instant case. The objection extends to the internal communications of the client for this litigation in that they implicate strategy and opinions regarding the litigation.

Response:

The assertion of privilege and the above objection notwithstanding: Please see the responses to 1 and 12 above.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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15. Please provide any and all correspondence received by Scott County from any member of the public discussing wastewater rates of any wastewater utility (municipal, investor-owned, or otherwise) in the county since December 1, 2022.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Objection:

Scott County objects to the oppressively broad nature of the request for information. It is possible that Scott County may have information falling within the scope of this request; however, asking all Scott County officials, agents, employees, and witnesses to review their records for such information (regardless of its nature) results in an undue burden or expense, particularly the disruption of government services for individuals who have no direct connection with the instant case, and annoyance of those individuals. Furthermore, Scott County asserts attorney-client privilege for communications with counsel.

Response:

Objection notwithstanding, please see response to 6 above for records since the notice of intent for the pending application.

Note: Consistent with 807 KAR 5:001, Section 4 (10), certain identifiers in the response have been obscured

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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16. Please provide all documents showing communications between Scott County (or its agents, employees, or witnesses) and any representative(s) of the Office of the Attorney General regarding this case or any anticipated filing of this case.

Witness Responsible:

Response by Counsel

Assertion of Privilege:

Scott County asserts attorney-client privilege for its confidential communications in furtherance of the rendition of professional legal services including communications with its experts.

Objection:

Scott County and the Kentucky Office of the Attorney General are sharing a witness in this proceeding (through and pursuant to a Memorandum of Understanding filed into the record of the instant case). Scott County objects to the request for any trial preparation materials or work-product including any communications with the Kentucky Office of the Attorney General that concern the mental impressions, conclusions, opinions, or legal theories of counsel or other representative of Scott County concerning the litigation and objects to the request for information concerning assessments of and strategy for the instant case.

Response:

See Assertion of Privilege and Objection – above.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC'S
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17. Please provide a copy of all documents showing communications between Scott County (or its agents, employees, or witnesses) and any person (including, but not limited to elected or appointed officials at any level of government) not a party to this case regarding, arising out of, or related to this case or any anticipated filing of this case.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Assertion of Privilege:

Scott County asserts attorney-client privilege for its confidential communications in furtherance of the rendition of professional legal services. It also asserts this privilege for its communications with its experts.

Objection:

Scott County objects to the oppressively broad nature of the request for information. While it is possible that Scott County may have information falling within the scope of this request, asking all Scott County officials, agents, employees, and witnesses to review their records for such information (regardless of its nature) results in an undue burden or expense, particularly the disruption of government services for individuals who have no direct connection with the instant case; and annoyance of those individuals.

Response:

Objection notwithstanding, please see the response to 6 above.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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18. Please refer to the Direct Testimony of Mr. Gorman at page 14:6-9.

- a. Please confirm that Mr. Gorman was provided a copy of Mr. John DeFever's Direct Testimony prior to preparing his own testimony.
- b. Please provide a copy of all documents showing communications between Mr. Gorman and Mr. DeFever relating to this case or to the filing of testimony.

Witness Responsible:

Michael P. Gorman

Response:

- a. Mr. Gorman was not provided a filed final version of Mr. Defever's testimony, and as such, he does not confirm that he received this prior to filing his testimony.
- b. **Assertion of Privilege:** Scott County asserts attorney-client privilege for its confidential communications in furtherance of the rendition of professional legal services including those with experts retained by Scott County.

Objection: Scott County objects to the request for any trial preparation materials or work-product including any communications that concern the mental impressions, conclusions, opinions, or legal theories of counsel or other representatives of Scott County concerning the litigation, and objects to the request for information concerning assessments of and strategy for the instant case.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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19. Please refer to the Direct Testimony of Mr. Gorman at pages 13-14. Please confirm that Mr. Gorman is not recommending any adjustments to the Company's revenue requirement.

Witness Responsible:

Michael P. Gorman

Response:

Confirm.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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20. Please refer to the Direct Testimony of Mr. Gorman at pages 11:1-7. Please confirm that Mr. Gorman does not object to the costs associated with upgrading the Delaplain system; rather, he only objects to the proportion of these costs allocated to the Delaplain commercial class. Please explain whether Mr. Gorman believes this position aligns with cost causation principles for utility ratemaking.

Witness Responsible:

Michael P. Gorman

Response:

Mr. Gorman does not confirm. Mr. Gorman did not review the reasonableness of the Company's revenue requirement in this proceeding including additional revenue requirements necessary to recover the cost of upgrades in the Delaplain system as outlined in this question.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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21. Please refer to the Direct Testimony of Mr. Gorman at pages 13-14. Please explain why it is Mr. Gorman's recommendation that the Delaplain commercial customers should pay a smaller portion of the Company's revenue requirement than what the Company has proposed.

Witness Responsible:

Michael P. Gorman

Response:

Mr. Gorman's testimony explains his justification for rejecting the Company's proposed spread and approving an alternative spread that more accurately reflects cost causation. Mr. Gorman recommends to spread the Company's revenue requirement across the various rate classes consistent with the Company's proposed consolidated pricing across its various districts to ensure that price adjustments do not discriminate against any customer on the system, and tariff charges adjustments align with cost causation as best as possible.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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22. Please refer to the Direct Testimony of Mr. Gorman at 13:8-16. Please confirm that it is Mr. Gorman's recommendation that residential, multi-residential, and commercial flat-rate customers should pay a greater portion of the Company's revenue requirement than what the Company has proposed.

Witness Responsible:

Michael P. Gorman

Response:

Mr. Gorman is not supporting the Company's claimed revenue deficiency in this proceeding, and is not supporting its estimated impact on any specific tariff rate charge. Rather, Mr. Gorman's testimony outlines the spread of the Company's claimed revenue requirement across its system to include a consolidated rate structure for all of its operating districts, and to ensure that rate adjustments reasonably reflect cost of service as best as possible and to ensure no specific rate schedule is treated in a discriminatory manner.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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23. Please refer to the Direct Testimony of Mr. Gorman at pages 13-14. Please refer also to Exhibit MPG-3.
- a. Please confirm that it is Mr. Gorman's testimony that residential customers should pay a monthly charge of \$147.12 for wastewater service, rather than the Company's proposed rate of \$111.72.
- b. Please confirm that it is Mr. Gorman's testimony that multi-residential customers should pay a monthly charge of \$110.35 for wastewater service, rather than the Company's proposed rate of \$83.80.
- c. Please confirm that it is Mr. Gorman's testimony that commercial flat-rate customers should pay a monthly charge of \$367.80 for wastewater service, rather than the Company's proposed rate of \$279.31.
- d. Please confirm that it is Mr. Gorman's testimony that Delaplain non-residential customers should pay a monthly charge of \$367.80, with a lower per gallon charge of \$23.34, rather than the Company's proposed rate of \$279.31, with a per gallon charge of \$54.75. 24. Please refer to the Direct Testimony

Witness Responsible:

Michael P. Gorman

Response:

a-d. Mr. Gorman cannot confirm these requests because he is not supporting the Company's claimed revenue requirement for its wastewater service. Please see the response to 22 above.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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24. Please refer to the Direct Testimony of Mr. Gorman at pages 13-14. Please refer also to Exhibit MPG-3. Please provide the justification for Mr. Gorman's proposal that residential and multi-residential customers should pay higher rates than what the Company has proposed.

Witness Responsible:

Michael P. Gorman

Response:

Mr. Gorman is not supporting the Company's revenue requirement and therefore does not support the Company's proposed adjustments to rates to recover its claimed increase to its wastewater revenue requirement. Rather, as outlined above, Mr. Gorman's testimony outlines a fair and equitable allocation of the Company's claimed wastewater revenue requirement across its various systems, in order to reasonably align with cost of service, and to adjust prices in a nondiscriminatory manner across all tariff rate schedules.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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25. Please refer to the Direct Testimony of Mr. Gorman at pages 13-14. Please refer also to Exhibit MPG-3. Please provide the justification, including citations to the record, for Mr. Gorman's proposal that Scott County residential and multi-residential customers should pay a greater portion of the Company's revenue requirement and higher rates than what the Company has proposed.

Witness Responsible:

Michael P. Gorman

Response:

Mr. Gorman's direct testimony outlines his proposed allocation of the Company's claimed wastewater revenue requirement across all systems, based on the proposed consolidated rate structure. His proposed tariff class revenue requirement spread is based on the Company's most recent rate case where it did file a form of a class cost of service study, and reflecting the increased system cost caused by system acquisitions. Please see Mr. Gorman's testimony at page 5 through page 14.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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26. Please refer to the Direct Testimony of Mr. Gorman at pages 13-14. Please refer also to Exhibit MPG-3 and Scott County's Reply in Support of the Motion to Intervene, filed in this matter on January 15, 2026.
 - a. Please confirm that Scott County sought intervention in this case on behalf of all Scott County customers of Bluegrass Water, both residential and non-residential customers alike.
 - b. Please explain why Scott County, Kentucky seeks to advance the Delaplain commercial customers' interests over the interests of residential and multi-residential customers of Bluegrass Water by advocating for residential and multi-residential customer rates that are higher than those proposed by Bluegrass Water.

Witness Responsible:

By Counsel

Response:

- a. Scott County's Reply in Support of the Motion to Intervene speaks for itself.
- b. **Objection:** The request is argumentative and assumes a fact that has not been proven, specifically that Scott County seeks to advance the interests of one customer group over another. Scott County seeks fair, just, and reasonable rates. With regard to the customer rates proposed by Bluegrass Water, Scott County objects to accepting the premise that the rates proposed by Bluegrass Water for any customer group are fair, just, and reasonable. Scott County does not have the burden of proof in this proceeding and has not undertaken a burden of proof. Scott County's advocacy in the instant case, including its final position on any issue, will be through post-hearing brief after, among other things, public comments, evidence of record, and examination of that evidence.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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27. Please explain whether Scott County or any of its elected officials owns any portion of the real property in the Delaplain service area. If so, please identify the property by service address.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Objection:

Scott County objects to the oppressively broad nature of the request for information concerning any elected Scott County official. A request for all Scott County elected officials to review their records results in an undue burden or expense, particularly the disruption of government services for elected officials who have no direct connection with the instant case, and annoyance of those Scott County elected officials.

Response:

The above objection notwithstanding: Scott County government does not own real property within the Delaplain service area with service by Bluegrass Water. The Scott County Judge/Executive and the members of the Fiscal Court do not own real property within the Delaplain Service area that is served by Bluegrass Water.

**SCOTT COUNTY, KENTUCKY RESPONSE TO
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28. Please refer to the Direct Testimony of Mr. Gorman at page 8:9-16. Please also refer to the portions of your Motion to Intervene alleging that Scott County has an interest in ensuring the public health. Please also refer to the documents filed in Case No. 2022-00432 in which Scott County was put on notice of actions by the Delaplain commercial class impacting the public health of Scott County residents. Please describe in detail each enforcement action Scott County has taken to ensure that the commercial customers of the Delaplain system cured the environmental violations that were occurring in Scott County, and provide all communications evidencing the same.

Witness Responsible:

Judge/Executive Joseph Pat Covington

Objection:

Objection to form of the question. The referenced Motion to Intervene speaks for itself, and, among other things, does not state that Scott County ensures the public health in Scott County. The question is based upon a statement that does not appear in the Motion to Intervene.

Response:

The above objection notwithstanding: Promoting and protecting the health and safety of Scott County residents is a cooperative effort of various local and state governmental entities including Scott County. The responsibilities and powers of the Kentucky Division of Water concerning the environmental violations by the prior owner of the Delaplain system are set forth by statute. Scott County was not mandated to ensure that the prior owner of the Delaplain system cure environmental violations referenced by Bluegrass Water.