

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

**In the Matter of:** )  
 )  
 **Electronic Application of Bluegrass** )  
 **Water Utility Operating Company, LLC** )  
 **For an Adjustment of Water and** )  
 **Sewage Rates** ) **Case No. 2025-00354**  
 )

**BLUEGRASS WATER UTILITY OPERATING COMPANY, LLC’S  
RESPONSE TO REQUESTS FOR INTERVENTION**

Bluegrass Water Utility Operating Company, LLC (“Bluegrass Water” or the “Company”), by counsel, and pursuant to 807 KAR 5:001 Section 4(11), Section 5, and other applicable law, hereby responds to the requests for intervention filed by: (1) Tony Higgins; (2) Curt and Cindy Rausch; (3) Kelina Roberts; (4) Mitch Buchanan; (5) Scott and Lisa Karr, and all other individual customers of Bluegrass Water (together, “Movants”).<sup>1</sup> The Commission should deny Movants’ requests for intervention, as explained below.

1. The only person with a statutory right to intervene in this matter is the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (“Attorney General”), pursuant to KRS 367.150(8)(b). Specifically, Kentucky law permits the Attorney General “[t]o be made a real party in interest to any action on behalf of consumer

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<sup>1</sup> To the extent the Commission construes the public comments filed by Mr. Phil Hazle, Mr. Rob Fischesser, Mr. Gregg McDonald, and Mr. Stephen Sheanshang to be a request for intervention, the Commission should likewise deny those requests for the reasons set forth herein. *See* Letter dated December 29, 2025 ([https://psc.ky.gov/pscscf/2025%20cases/2025-00354/Public%20Comments/20260105\\_Phil%20Hazle%20Public%20Comment.pdf](https://psc.ky.gov/pscscf/2025%20cases/2025-00354/Public%20Comments/20260105_Phil%20Hazle%20Public%20Comment.pdf)); Email dated January 2, 2026 ([https://psc.ky.gov/pscscf/2025%20cases/2025-00354/Public%20Comments/20260105\\_PSC%20Response%20E-Mail%20to%20Multiple%20Public%20Comments.pdf](https://psc.ky.gov/pscscf/2025%20cases/2025-00354/Public%20Comments/20260105_PSC%20Response%20E-Mail%20to%20Multiple%20Public%20Comments.pdf)), at page 15; Email dated December 31, 2025 ([https://psc.ky.gov/pscscf/2025%20cases/2025-00354/Public%20Comments/20260105\\_PSC%20Response%20E-Mail%20to%20Multiple%20Public%20Comments.pdf](https://psc.ky.gov/pscscf/2025%20cases/2025-00354/Public%20Comments/20260105_PSC%20Response%20E-Mail%20to%20Multiple%20Public%20Comments.pdf)); Email dated January 5, 2026 ([https://psc.ky.gov/pscscf/2025%20cases/2025-00354/Public%20Comments/20260106\\_PSC%20Response%20E-Mail%20to%20Multiple%20Public%20Comments.pdf](https://psc.ky.gov/pscscf/2025%20cases/2025-00354/Public%20Comments/20260106_PSC%20Response%20E-Mail%20to%20Multiple%20Public%20Comments.pdf)).

interests” in a ratemaking case “whenever deemed necessary and advisable in the consumers’ interest by the Attorney General.” KRS 367.150(8)(b).

2. The Commission granted the Attorney General’s request for intervention in this case on October 30, 2025.

3. A person seeking intervention must have an interest in the “rates and service” of a utility, as those are the only matters over which the Commission exercises jurisdiction. KRS 278.040(2).

4. The Commission’s regulations are “clear” that intervention by parties other than the Attorney General “is permissive, not mandatory.” *Pub. Serv. Comm’n of Ky. v. Metro. Hous. Coalition*, 652 S.W.3d 648, 654 (Ky. App. 2022) (citing 807 KAR 5:001 Section 4(11) & *InterCounty Rural Elec. Co-op. Corp. v. Pub. Serv. Comm’n*, 407 S.W.2d 127, 130 (Ky. 1966)).

5. A person seeking permissive intervention must follow the Commission’s regulations. A proposed intervenor’s motion “shall include the movant’s full name, mailing address, and electronic mail address and shall state his or her interest in the case and how intervention is likely to present issues or develop facts that will assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings.” 807 KAR 5:001 Section 4(11)(a)(1).

6. Before granting intervention, the Commission must find that the request to intervene was timely and that the proposed intervenor “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.” 807 KAR 5:001 Section 4(11)(b).

7. First, the Commission should deny Movants' requests for intervention because Movants have not shown a "special interest in the case that is not otherwise adequately represented" by the Attorney General. 807 KAR 5:001 Section 4(11)(b). "A mere recitation of the quantity of water consumed by a movant or a general statement regarding the potential impact of possible modification of rates will not be deemed sufficient to establish a special interest." *In the Matter of: Electronic Application of Bath County Water District for a Rate Adjustment Pursuant to 807 KAR 5:076*, Case No. 2022-00404 (Jan. 11, 2023).

8. The Attorney General is the statutory advocate for consumers in rate cases and therefore adequately represents consumer interests like those of Movants. The Movants do not assert a special interest in this case that the Attorney General does not otherwise adequately represent. Instead, the motions are "general statement[s] regarding the potential impact of possible modification of rates" which is not a special interest. *See id.*

9. Second, the Commission should deny Movants' requests for intervention because the Movants are not "likely to present issues or develop facts that assist the commission in fully considering the matter without unduly complicating or disrupting the proceedings." 807 KAR 5:001 Section 4(11)(b). Movants' requests do not set forth new issues or facts that would assist the Commission in fully considering the matter. Instead, the requests are general statements opposing the proposed rate increase without offering new issues or facts beyond what the Attorney General may assert on their behalf.

10. Therefore, because Movants are unlikely to present new issues or develop facts that would assist the Commission in fully considering this matter, Movants' participation is duplicative and will unduly complicate and disrupt the proceedings.

WHEREFORE, Bluegrass Water respectfully asks the Commission to reject any request for intervention as a party or parties by: (1) Tony Higgins; (2) Curt and Cindy Rausch; (3) Kelina Roberts; (4) Mitch Buchanan; (5) Scott and Lisa Karr, and any and all other individual customers of Bluegrass Water.

Submitted this the 12th day of January, 2026.

Respectfully submitted,

/s/ Edward T. Depp

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### **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*  
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