

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC PROPOSED ACQUISITION BY)	
BLUEGRASS WATER UTILITY OPERATING)	
COMPANY, LLC AND THE TRANSFER OF)	
OWNERSHIP AND CONTROL OF ASSETS BY P.R.)	
WASTEWATER MANAGEMENT, INC., MARSHALL)	CASE NO.
COUNTY ENVIRONMENTAL SERVICES, LLC, LH)	2019-00104
TREATMENT COMPANY, LLC, KINGSWOOD)	
DEVELOPMENT, INC., AIRVIEW UTILITIES, LLC,)	
BROCKLYN UTILITIES, LLC, FOX RUN UTILITIES,)	
LLC, AND LAKE COLUMBIA UTILITIES, INC.)	

ORDER

On May 31, 2019, Bluegrass Water Utility Operating Company, LLC (Bluegrass Water), P.R. Wastewater Management, Inc. (P.R. Wastewater), Marshall County Environmental Services, LLC (Marshall County Environmental), LH Treatment Company, LLC (LH Treatment), Kingswood Development, Inc. (Kingswood), Airview Utilities, LLC (Airview), Brocklyn Utilities, LLC (Brocklyn), Fox Run Utilities, LLC (Fox Run), and Lake Columbia Utilities, Inc. (Lake Columbia) (collectively Joint Applicants), filed a motion for an extension of time to respond to the Initial Data Requests of the Attorney General of the Commonwealth of Kentucky, by and through the Office of Rate Intervention (Attorney General). As grounds for their motion, the Joint Applicants state that they are in need of additional time to prepare and verify several responses to the Attorney General's requests. The motion also requests additional time in which the Attorney General may submit supplemental requests for information. The Commission finds that the motion should be granted.

Subsequent to the filing of the motion, on June 13, 2019, the Commission received notice from the Director of the Division of Water in the Kentucky Energy and Environment Cabinet, Peter Goodman, that the Energy and Environment Cabinet will seek to appoint a receiver, pursuant to KRS 224.73–150, for the Great Oaks Subdivision Treatment Plant, which is one of two treatment plants owned by Marshall County Environmental.¹ Based upon this filing, the Commission finds that the Joint Applicants should respond to additional requests for information from Commission Staff. The Commission further finds that a representative from each of the utilities that is the subject of the proposed transfer should attend the hearing scheduled for July 2, 2019.

IT IS HEREBY ORDERED that:

1. Joint Applicants' motion for an extension of time to file responses to requests for information and additional time for the Attorney General to submit supplemental requests for information is granted.
2. For each utility that is proposed to be transferred a representative having knowledge of the utility's operations shall attend the July 2, 2019 evidentiary hearing.
4. Supplemental requests for information shall be filed no later than June 24, 2019.
5. Joint Applicants' responses to supplemental requests for information shall be filed no later than June 28, 2019.
6. Joint Applicants shall file responses to the information request set forth in Appendix B no later than June 26, 2019.
7. a. Responses to requests for information in paper medium shall be appropriately bound, tabbed, and indexed and shall include the name of the witness

¹ Attached as Appendix A.

responsible for responding to the questions related to the information provided, with the original and an electronic version to the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable and shall be appropriately bookmarked.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior response if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

e. Careful attention should be given to copied material to ensure that it is legible. When the requested information has been previously provided in this proceeding in the requested format, reference may be made to the specific location of that information in responding to this request.

f. Any party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that the personal information cannot be read.

By the Commission

ENTERED
JUN 20 2019
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2019-00104

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00104 DATED **JUN 20 2019**

ONE PAGE TO FOLLOW



MATTHEW G. BEVIN
GOVERNOR

CHARLES G. SNAVELY
SECRETARY

ENERGY AND ENVIRONMENT CABINET

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FRANKFORT, KENTUCKY 40601
TELEPHONE: 502-564-3350
TELEFAX: 502-564-7484

R. BRUCE SCOTT
DEPUTY SECRETARY

June 13, 2019

Gwen R. Pinson, Executive Director
Office of Executive Director
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, KY 40602-0615

Dear Executive Director Pinson,

The Energy and Environment Cabinet ("EEC") hereby provides notice, pursuant to KRS 224.73-150, that it seeks the appointment of a receiver for the Great Oaks Subdivision Treatment Plant in McCracken County, Kentucky. The EEC intends to pursue this action in the Franklin Circuit Court. The Great Oaks Subdivision Treatment Plant, a utility as defined by KRS 278.010(3)(f), is owned by Marshall County Environmental Services ("MCES") and Allen Artis.

As you may be aware, MCES and Bluegrass Water Utility Operating Company, LLC submitted a Verified Joint Application for Approval of Acquisition and Transfer of Ownership and Control of Utility Assets to the Public Service Commission, Case No. 2019-00104. Bluegrass Water Utility Operating Company, LLC seeks to acquire the assets of MCES, including the Great Oaks Subdivision Treatment Plant. Because of the nature of the ongoing violations, EEC still intends to seek a receiver in Franklin Circuit Court despite this Application.

If you have any questions or concerns, please contact Mary Ann Lee with the Office of Legal Services via phone at (502) 782-2638 or via email at Mary.Lee@ky.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter T. Goodmann".

Peter T. Goodmann, Director
Division of Water

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2019-00104 DATED JUN 20 2019

1. Refer to the notice from the Energy and Environmental Cabinet that it will seek a receiver for Marshall County Environmental's Great Oaks Subdivision Treatment Plant.

a. Explain how the Joint Applicants' will respond to the notice.

b. State whether this will affect the proposed transfer of Marshall County Environmental to Bluegrass Water.

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