

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE)	
REMOVAL OF MARTIN COUNTY WATER)	CASE NO.
DISTRICT'S SEWER FACILITIES FROM PUBLIC)	2021-00123
SERVICE COMMISSION JURISDICTION.)	

ORDER

On February 24, 2021, the Commission received a letter from Martin County Water District (Martin District), attached as an Appendix to this Order, stating that Martin District transferred all assets related to sanitation to the Martin County Sanitation District on or about May 31, 2016. Martin District states that this should end all reporting requirements and requests the Commission close any cases related to Martin District's provision of sewer service.

Pursuant to KRS 278.020(6), regulated utilities shall request approval for a transfer of assets or ownership. The Commission has found in the past that KRS 278.020(6) does not apply to a transfer of customers from a sewer utility to a sanitation district.¹ The February 24, 2021 letter from Martin District does not contain sufficient information to make this determination; therefore, the Commission finds this proceeding should be initiated to investigate whether Martin District required Commission approval for a transfer of assets to Martin County Sanitation District.

¹ See e.g., Case No. 1990-00129, *Removal of Third Street Sanitation, Inc. from Public Service Commission Jurisdiction* (Ky. PSC May 21, 1990); see also, Case No. 2017-00045 *Alleged Failure of Lewis Sanitation Company, Inc. d/b/a Garden Heights Sewer Division to File Required Reports* (Ky. PSC Sept. 28, 2017).

IT IS THEFORE ORDERED that:

1. Martin District shall submit to the Commission a written response within 20 days of service of this Order providing the Commission the following information:

a. A listing of all assets transferred between Martin District and Martin County Sanitation District.

b. Whether sewer customers serviced by Martin District and the Martin District Pride Project² were transferred to the Martin County Sanitation District.

c. Whether Martin District still provides sewage service to any customers.

d. Whether the Martin District Pride Project was transferred to Martin County Sanitation District.

e. Whether Martin County Sanitation District purchased or received any ownership interest in Martin District.

2. a. Responses to the above requests shall be appropriately bound, tabbed and indexed, with the original and an electronic version to the Commission. The Commission expects the original documents to be filed with the Commission within 30 days of the lifting of the current state of emergency. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately book marked. Each response shall include the name of the witness responsible for responding to the questions related to the information provided.

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

² See Case No. 1999-00382, *In the Matter of the Tariff Filing of Martin County Water District to Add Sewer Service* (Ky. PSC Oct. 21, 1999).

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 that indicates 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.

3. Pursuant to the Commission's Orders in Case No. 2020-00085,³ issued March 16, 2020, and March 24, 2020, Martin District SHALL NOT FILE the original paper copy of all requested information at this time, but rather shall file original paper copies

³ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 16, 2020), Order at 5–6. Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC Mar. 24, 2020), Order at 1–3.

within 30 days of the lifting of the current state of emergency. All responses in paper medium shall be appropriately bound, tabbed, and indexed.

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By the Commission



ATTEST:


Executive Director

Case No. 2021-00123

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2021-00123 DATED MAR 11 2021

TWO PAGES TO FOLLOW

RECEIVED

FEB 24 2021

PUBLIC SERVICE
COMMISSION



BRIAN CUMBO

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ADMITTED IN KY AND WV

February 23, 2021

Public Service Commission
P.O. Box 615
Frankfort, KY 40602

Via Email: psc.reports@ky.gov

Via Email: psced@ky.gov

RE: Martin County Sanitation

Dear Commissioners:

This letter is to inform you that all assets related to sanitation in Martin County have been transferred to the Martin County Sanitation District. Substantial completion of the Tug Wastewater treatment plant was February 23, 2016 and substantial completion of the Warfield sanitary sewer collection system was May 31, 2016. The Martin County Water District no longer has any sanitation interests or assets associated with its district.

We are formally requesting that the PSC close any cases associated with Sanitation and the Martin County Water District. Additionally, this request should end reporting requirements for the Sanitation District as it is not under PSC jurisdiction.

Very truly yours,

BRIAN CUMBO

BC/ld

cc: Craig C. Miller, Division Manager
Alliance Water Resources/Martin County Water & Sanitation Districts



February 22, 2021

RE: Martin County Sanitation

Dear Commissioners,

This letter is to inform you that all assets related to sanitation in Martin County have been transferred to the Martin County Sanitation District. Substantial completion of the Tug Wastewater treatment plant was FEB 23, 2016 and substantial completion of the Warfield sanitary sewer collection system was May 31, 2016. The Martin County Water District no longer has any sanitation interests or assets associated with its district.

We are formally requesting that the PSC close any cases associated with Sanitation and the Martin County Water District. Additionally this request should end reporting requirements for the Sanitation District as it is not under PSC jurisdiction.

Sincerely,

Craig Miller

Craig Miller
Division Manager
Alliance Water Resources
Martin County Water and Sanitation Districts

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