

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ELECTRONIC INVESTIGATION INTO	)	
MILBURN WATER DISTRICT TO DETERMINE	)	
THE FEASIBILITY OF MERGER WITH A	)	CASE NO.
PROXIMATE UTILITY PURSUANT TO KRS 74.361	)	2021-00341
OR ABANDONMENT PURSUANT TO KRS	)	
278.020(6), KRS 278.021	)	

ORDER

On August 7, 2024, Graves County Water District (Graves District) and Milburn Water District (Milburn District), (collectively, the Parties) filed a joint motion requesting a stay of this proceeding (joint motion) for 180 days, and that the time to respond to the Commission Staff’s merger feasibility study (Feasibility Study) be indefinitely extended. Pursuant to Commission Order issued June 14, 2024, the Parties were previously granted an extension to file responses to Commission Staff’s Feasibility Study until August 13, 2024.<sup>1</sup>

On April 27, 2024, Senate Bill 91 became law, which contained an appropriation of \$5,000,000 to Carlisle County Fiscal Court “to support the Carlisle County Water District [sic] in providing water treatment and water lines to schools in the county.”<sup>2</sup> The Parties explained that Carlisle County officials plan to use these funds to support the construction of a water treatment facility and water lines to serve Carlisle County’s

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<sup>1</sup> Commission Staff’s Notice of Filing and Feasibility Report (issued May 31, 2024).

<sup>2</sup> 2024 Ky. Acts Ch. 223, § 6; Parties’ Joint Motion for Extension of Time to Respond to Commission Staff’s Merger Feasibility Report (filed June 12, 2024), Exhibit 1.

schools and, if possible, to eventually serve Milburn District, the city of Arlington (Arlington), and Cunningham Water District (Cunningham District).<sup>3</sup>

The Parties stated that Carlisle County Fiscal Court has retained an engineering firm, Bacon, Farmer, Workman Engineering and Testing, Inc. (Engineers) to prepare a plan for serving Carlisle County's schools and various areas within Carlisle County.<sup>4</sup> On August 8, 2024, the Carlisle County Fiscal Court filed correspondence in this case which confirmed the retention of the Engineers to prepare a plan and which indicated that as part of the review, the Carlisle County Fiscal Court was considering several alternatives, including the development of a county-wide water distribution system that would involve the facilities of Milburn District, Cunningham District, and Arlington.<sup>5</sup> In the joint motion, the Parties further stated that, while no definitive plan has been developed yet, the Engineers had explained there may be various scenarios to provide water service to the Carlisle County schools, including a possible plan to connect Milburn District, Arlington, and Cunningham District for water quality reasons.<sup>6</sup> The Engineers have informed the Parties that such plan would require approximately six months to prepare.<sup>7</sup>

The Parties argued that the stay of this proceeding is necessary for the Carlisle County Fiscal Court to develop its plan, and after that plan is developed, Commission Staff can review the plan to determine whether any revisions to the findings and recommendations in the Commission Staff's Feasibility Study are necessary regarding

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<sup>3</sup> Joint Motion for Stay of Proceeding (Joint Motion) (filed Aug. 7, 2024) at 2.

<sup>4</sup> Joint Motion at 3.

<sup>5</sup> Letter Advising of Carlisle County Fiscal Court Plans Re: Water Facilities (filed Aug. 8, 2024)

<sup>6</sup> Joint Motion at 3.

<sup>7</sup> Joint Motion at 3.

the feasibility of an involuntary merger of the Districts.<sup>8</sup> The Parties further argued a stay of this proceeding will also ensure that the resources of the Commission and the Parties are not unnecessarily expended on administrative proceedings if the proposed plan presents the development of an acceptable alternative.<sup>9</sup>

The Commission, having considered the Parties' joint motion, finds that good cause exists to grant a stay of this proceeding for 180 days and an extension for the Parties' responses to the Commission Staff's Feasibility Study until further Order by the Commission.

IT IS THEREFORE ORDERED that the Parties' motion for a stay of this proceeding for 180 days and an extension for the Parties to respond to Commission Staff's Feasibility Study until further Order by the Commission, is granted.

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<sup>8</sup> Joint Motion at 3.

<sup>9</sup> Joint Motion at 3-4.

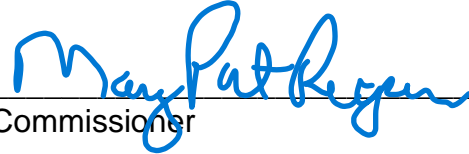
PUBLIC SERVICE COMMISSION

Chair



Vice Chairman

Commissioner



ATTEST:



Executive Director

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