COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF JESSAMINE-
SOUTH ELKHORN WATER DISTRICT FOR A
SEWER RATE ADJUSTMENT PURSUANT TO
807 KAR 5:076)CASE NO.
2022-00053

On February 25, 2022, Jessamine-South Elkhorn Water District (Jessamine-South Elkhorn District) filed an application with the Commission for a sewer rate adjustment, pursuant to 807 KAR 5:076. The application was filed pursuant to the Commission's Order in Case No. 2020-00382, which explained that Jessamine-South Elkhorn District had not sought a general base rate adjustment since 1990 for its water operations, and the lack of Commission insight into Jessamine-South Elkhorn District's water and wastewater financial records indicated that the utility should file an application for a traditional adjustment in rates or an alternative rate adjustment.¹ In its application, Jessamine-South Elkhorn District requested rates that would increase annual water sales revenues by \$285,021 or 27.77 percent across-the-board increase to pro forma present rate wastewater revenues.

To ensure the orderly review of the application, the Commission established a procedural schedule by Order dated March 23, 2022. Jessamine-South Elkhorn District

¹ Case No. 2020-00382, Electronic Application of Jessamine-South Elkhorn Water District for Approval to Enter into a Lease Agreement with the Kentucky Association of Counties Leasing Trust in an Approximate Principal Amount of \$2,515,000 for the Purpose of Refinancing All Outstanding Obligations of the Jessamine-South Elkhorn Water District (Ky. PSC Jan. 29, 2021), Order at 2, ordering paragraph 7.

responded to three discovery requests form Commission Staff. Pursuant to the Commission's March 23, 2022 Order, Commission Staff issued a report (Commission Staff's Report) on June 29, 2022, summarizing its findings regarding Jessamine-South Elkhorn District's application. The Commission Staff's Report indicated that Jessamine-South Elkhorn District's adjusted test-year operations support an overall revenue requirement of \$1,292,375 and that an increase of \$270,193 or 26.93 percent is necessary to generate the overall revenue requirement.

On July 6, 2022, Jessamine-South Elkhorn District filed its comments on the Commission Staff's Report with the Commission.² In its response, Jessamine-South Elkhorn District did not agree with Commission Staff's removal of certain labor expenses from nonrecurring charges but did not wish to contest that adjustment in this case. Jessamine-South Elkhorn District concurred with the remaining findings presented in the Commission Staff's Report and did not request that a conference or hearing be held.

OUTSTANDING CASES

On June 24, 2022, the Commission opened Case No. 2022-00186 to investigate the reasonableness of Lexington Fayette Urban County Government's (LFUCG) proposed increase in sewer rates charged to Jessamine-South Elkhorn District and suspended its implementation for 5 months.³ In addition, the Commission opened Case No. 2022-00192 to investigate the reasonableness of Jessamine-South Elkhorn District's proposed increase to its treated sewage and tap-on fees as a result of the increase noted

² Jessamine-South Elkhorn District's Response to Commission Staff's Report (filed July 6, 2022).

³ Case No. 2022-00186, Electronic Tariff Filing of Lexington-Fayette Urban County Government Revising Its Monthly Sewer User Fee and Tap-On Connection Fees to Jessamine-South Elkhorn Water District (Ky PSC opening Order issued Jun. 24, 2022).

in Case No. 2022-00186 and suspended its implementation for 5 months.⁴ While an increase to treated sewer expense would affect pro forma operations, and therefore revenue requirement and rates, the Commission notes that such adjustments cannot be incorporated into this order as they are not known and measurable at this time. However, the Commission encourages Jessamine-South Elkhorn District to file any adjustments necessary to ensure recovery of the cost to service following a Commission Order in Case Nos. 2022-000186 and 2022-00192.

LEGAL STANDARD

Alternative rate adjustment proceedings, such as this one, are governed by 807 KAR 5:076, which establishes a simplified process for small utilities to use to request rate adjustments, with the process designed to be less costly to the utility and to the utility ratepayers. The Commission's standard of review for a utility's request for a rate increase is well established. In accordance with KRS 278.030 and case law, Jessamine-South Elkhorn District is allowed to charge its customers "only 'fair, just and reasonable rates."⁵ Further, Jessamine-South Elkhorn District bears the burden of proof to show that the proposed rate increase is just and reasonable under KRS 278.190(3).

BACKGROUND

Jessamine-South Elkhorn District is a water district organized pursuant to KRS Chapter 74. In addition to its water operations, it owns and operates a wastewater collection system through which it provides sewer service to approximately 718 residential

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⁴ Case No. 2022-00192, Electronic Tariff Filing of Jessamine-South Elkhorn Water District Revising Its Wastewater Tap-On Connection Fees (Ky. PSC July 1, 2022).

⁵ City of Covington v. Public Service Commission, 313 S.W.2d 391 (Ky. 1958); and Pub. Serv. Comm'n v. Com. of Kentucky v. Dewitt Water District, 720 S.W.2d 725 (Ky. 1986).

customers and 117 commercial customers in Jessamine County, Kentucky.⁶ Jessamine-South Elkhorn District does not treat any wastewater; rather, it collects wastewater and pays a treatment fee to LFUCG. This is Jessamine-South Elkhorn District's first sewer rate adjustment on Commission Record.

TEST PERIOD

The calendar year ended December 31, 2020, was used as the test year to determine the reasonableness of Jessamine-South Elkhorn District's existing and proposed sewer rates, as required by 807 KAR 5:076, Section 9.

SUMMARY OF REVENUE AND EXPENSES

The Commission Staff's Report summarizes Jessamine-South Elkhorn District's pro forma income statement as follows:

	2020 Test Year	Pro Forma Adjustments	Commission Staff's Report Pro Forma
Operating Revenues	\$ 998,865	\$ 23,056	\$ 1,021,921
Operating Expenses	<u>1,308,490</u>	<u>(101,683)</u> ⁷	<u>1,206,807</u>
Net Operating Income	(309,625)	124,739	(184,886)
Interest Income	<u>261</u>		<u>261</u>
Income available for Debt Service	<u>\$ (309,364)</u>	<u>\$ 124,739</u>	<u>\$ (184,625)</u>

⁶ Annual Report of Jessamine-South Elkhorn District to the Public Service Commission for the Calendar Year Ended December 31, 2020 (2020 Annual Report) at 9 and 25.

⁷ Commission Staff's Report inadvertently contained an error that excluded a \$50 adjustment shown in its pro forma statement of operations from its sum of pro forma total operating expenses. It has been updated here.

REVIEW AND MODIFICATIONS TO COMMISSION STAFF'S FINDINGS

Jessamine-South Elkhorn District proposed adjustments to revenues and expenses to reflect current and expected operating conditions. In the Commission Staff's Report, Commission Staff proposed additional adjustments. The Commission accepts the findings contained in the Staff's Report. Regarding any further modifications, the Commission has none.

<u>Billing Analysis Adjustment</u>. In the Commission Staff's Report, Commission Staff recommended the Commission accept Jessamine-South Elkhorn District's proposed increase of \$19,998 in service revenue based on Jessamine-South Elkhorn District's current billing analysis.⁸ Following an examination of Jessamine-South Elkhorn District's billing analysis completed by Commission Staff, a normalized revenue was calculated based on the information provided that matched the adjustment proposed by Jessamine-South Elkhorn District. Therefore, Commission finds that this adjustment is reasonable.

Late Fees. Jessamine-South Elkhorn District proposed an adjustment to test year forfeited discounts of \$16,749 to account for the moratorium regarding the collection of late fees for past due accounts due to the COVID-19 Pandemic. This adjustment reflected the 2019 level of late fees. Commission Staff recommended that the Commission update the adjustment to reflect a three-year average in accordance with Commission precedent,⁹ resulting in an increase in test-year late fee revenue of \$13,101.¹⁰ The

⁸ Commission Staff's Report at 8, Adjustment A.

⁹ Case No. 2021-00425, Electronic Application of Corinth Water District for a Rate Adjustment Pursuant to 807 KAAR 5:076 (Ky. PSC May 25, 2022).

¹⁰ Commission Staff's Report at 8, Adjustment B.

Commission finds that Commission Staff's adjustment represents known and measurable change¹¹ to Other Sewer Revenues, is reasonable, and are accepted.

<u>Tap Fees.</u> In the Commission Staff's Report, Commission Staff recommended the Commission accept Jessamine-South Elkhorn District's proposed decrease of \$1,988 to miscellaneous service revenue to remove tap-on fees collected from customers in the test year.¹² Following an examination of Jessamine-South Elkhorn District's records, Commission Staff agreed that the adjustment was appropriate and that an associated increase in depreciation of \$50 to capitalize tap-on fees was also necessary. Commission finds that these adjustments are reasonable and are accepted.

Incorrectly Recorded Penalty Revenue. In the Commission Staff's Report, Commission Staff recommended the Commission accept Jessamine-South Elkhorn District's proposed decrease of \$7,399 to miscellaneous service revenue to remove penalties incorrectly collected from customers in the test year.¹³ Following an examination of Jessamine-South Elkhorn District's records, Commission Staff agreed that the adjustment was appropriate and reflects pro forma revenue levels. The Commission finds that this adjustment is reasonable and is accepted.

¹³ Commission Staff's Report at 9, Adjustment D.

¹¹ See 807 KAR 5:001, Section 16.1.(a); Case No. 2001-00211, The Application of Hardin County Water District No. 1 for (1) Issuance of Certificate of Public Convenience and Necessity; (2) Authorization to Borrow Funds and to Issue Its Evidence of Indebtedness Therefore; (3) Authority to Adjust Rates; and (4) Approval to Revise and Adjust Tariff (Ky. PSC Mar. 1, 2002); Case No. 2002-00105, Application of Northern Kentucky Water District for (A) an Adjustment of Rates; (B) a Certificate of Public Convenience and Necessity for Improvements to Water Facilities if Necessary; and (C) Issuance of Bonds (Ky. PSC June 25, 2003); Case No. 2017-00417, Electronic Proposed Adjustment of the Wholesale Water Service Rates of Lebanon Water Works (Ky. PSC July 12, 2018); and Case No. 2019-00080, Electronic Proposed Adjustment of the Wholesale Water District (Ky. PSC Dec. 19, 2019).

¹² Commission Staff's Report at 9, Adjustment C.

<u>Other Sewer Revenues – Nonrecurring Charges (NRC)</u>. In the Commission Staff's Report, Commission Staff discussed Jessamine-South Elkhorn District's NRCs,¹⁴ in which estimated labor costs previously included in determining the amount of NRCs were removed. In its response to the Commission Staff's Report, Jessamine-South Elkhorn District disagreed with the removal of labor expenses from its NRCs but did not wish to contest the adjustments in this case.¹⁵

The Commission continues to follow its previous decisions regarding Nonrecurring Charges: personnel are paid during normal business hours and their salaries are recovered through rates.¹⁶ Allowing a utility to recover the same labor expense twice is not fair, just and reasonable. Therefore, estimated labor costs previously included in determining the Nonrecurring Charges shall be eliminated from the charges. The Commission finds that the calculation of Nonrecurring Charges shall be revised and only the marginal costs related to the service should be recovered through a special nonrecurring charge for service provided during normal working hours. The Commission requires that charges be directly related to the actual cost incurred to provide the service. It is unreasonable to allocate an expense already incurred as a day-to-day cost of maintaining a system, such as the salary of a distribution operator, to a nonrecurring service such as the connection and reconnection of a meter during normal working hours. The perceived unfairness from removal of these costs does not outweigh the mismatch of costs and revenues. This approach to ratemaking is entirely consistent with the

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¹⁴ Commission Staff's Report at 10, Adjustment E.

¹⁵ Jessamine-South Elkhorn District's Responses to the Commission Staff's Report.

¹⁶ Case No. 2020-00141, *Electronic Application of Hyden-Leslie County Water District for an Alternative Rate Adjustment* (Ky. PSC Nov. 6, 2020).

Commission's history of ensuring that rates reflect, to a reasonable degree, the principle of cost causation while simultaneously taking into account the health of the utility and the ability of the utility to provide the adequate, efficient and reasonable provision of service. The implementation of rates that significantly deviate from the actions and expenses underlying the service provided can create material issues with a utility's ability to meet its approved revenue requirement, particularly a utility with razor thin margins. In keeping with precedent, the Commission finds this adjustment to be reasonable.

The nonrecurring charges shall each be reduced by the estimated labor costs stated in the cost justification sheets. The Commission finds the revised NRC's set out in Appendix B and the adjustment of \$656 to Other Sewer Revenues is reasonable.

<u>Allocated Overhead.</u> In its application, Jessamine-South Elkhorn District proposed two adjustments to test year miscellaneous expense to reflect errors in the allocation of overhead expenses between the water and sewer districts that resulted in a total decrease in miscellaneous expense of \$49,060. In the Commission Staff's Report, Commission Staff recommended that the Commission not accept the adjustments proposed by Jessamine-South Elkhorn District but accept the recalculated appropriate adjustments to numerous expenses based on pro forma allocation percentages based on Jessamine-South Elkhorn District's customer count as of January 1, 2022, shown below.

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Water Customers	3,190
Sewer Customers	1,110
Drip Customers	54
Total Customers	4,354
Total Sewer and Drip Customers	1,164
Divide by: Total Customers	4,354
Sewer Allocation Percentage	26.73%
Water Allocation Percentage	73.27%

The sum total results in an overall decrease to expenses of \$38,399, shown below.¹⁷ The Commission finds that Commission Staff's revised allocations between the water and wastewater division to be reasonable. Further, the Commission fins the proposed adjustments to overhead expenses are known and measurable, are reasonable, and are accepted.

Adjustment Item	Amount
Commissioner Salaries	1,155
Contractual Services - Accounting	(625)
Contractual Services - Maintenance	(43,277)
Travel Expenses	542
Insurance - Gen Liability	2,439
Telephone Expense	393
Postage Expense	880
Utilities Expense	(7,184)
Office Expense	1,567
Office Maintenance Expense	4,609
Truck Fuel Expense	1,102
Total	(38,399)

Salaries and Wages - Employees & Federal Insurance Contributions Act (FICA).

In the Commission Staff's Report, Commission Staff recommended a decrease to

¹⁷ Commission Staff's Report at 10, Adjustment F.

Jessamine-South Elkhorn District's test-year Salaries and Wages Employees Expense of \$65,831 as well as an associated increase to Taxes Other Than Income to account for the adjusted payroll tax costs of \$7,008 to reflect current employee compensation and FICA taxes levels.¹⁸ The Commission finds that these adjustments are known and measurable and are accepted.

Employee Pensions and Benefits. In the Commission Staff's Report, Commission Staff recommended a decrease to Jessamine-South Elkhorn District's test-year Employee Pension and Benefit Expense of \$7,590 to annualize the allowable health insurance premiums as well as adjust CERS contributions for the rate authorized as of July 1, 2021.¹⁹ The Commission finds that this adjustment is known and measurable and is accepted.

<u>Depreciation Expense</u>. In the Commission Staff's Report, Commission Staff recommended accepting the adjustment proposed by Jessamine-South Elkhorn District to increase test-year Depreciation Expense by \$3,079, calculated by adjusting the useful lives of the Jessamine-South Elkhorn District's assets to the midpoint of the Commission on Rural Water report titled *Average Service Lifetimes, Major Systems Components – Wastewater Systems*.²⁰ The Commission finds that the adjustment keeps with Commission precedent and is a known and measurable change to test-year Depreciation Expense and is accepted.

¹⁸ Commission Staff's Report at 10-11, Adjustment G.

¹⁹ Commission Staff's Report at 11-12, Adjustment H.

²⁰ Commission Staff's Report at 13, Adjustment I.

Based on the Commission's findings discussed above, the following table summarizes Jessamine-South Elkhorn District's adjusted pro forma operations.²¹

	Commission Staff's Report Pro Forma	Commission Adjustments	Final Pro Forma
Operating Revenues	\$ 1,021,921	N/A	\$ 1,021,921
Operating Expenses	<u>1,206,807</u>	<u>N/A</u>	<u>1,206,807</u>
Net Operating Income	(184,886)	N/A	(184,886)
Interest Income	<u>261</u>	<u>N/A</u>	<u>261</u>
Income available for Debt Service	<u>\$ (184,625)</u>	<u>N/A</u>	<u>\$ (184,625)</u>

REVENUE REQUIREMENTS

Based upon the Commission's findings and determinations herein, Jessamine-South Elkhorn District requires an increase in revenues of \$270,193, or 26.93 percent above pro forma present rate revenues, as shown below.

		С	ommission	
			Staff	
Operating Ex	penses	\$	1,206,807	
Add: Average Annual Debt Principal and Interest			71,307	
	Additional Working Capital			
Overall Rever	nue Requirement		1,292,375	
Less:	Other Operating Revenue		(18,786)	
	(261)			
Revenue Requirement - Sewer Rates			1,273,328	
Less: Normalized Revenue from Service		(1,003,135)		
Required Revenue Increase		\$	270,193	
Percentage Increase			26.93%	

²¹ See Appendix A for a complete Pro Forma.

RATE DESIGN

Jessamine-South Elkhorn District proposed to increase its monthly retail sewer service rates evenly across the board by approximately 27.77 percent. Jessamine-South Elkhorn District has not performed a cost of service study (COSS). Jessamine-South Elkhorn District stated that it did not complete a COSS because there has not been any material change in the water system to warrant a COSS.²²

The Commission finds that the allocation of a revenue increase evenly across the board to a utility's rate design is appropriate when there has been no evidence entered into the record demonstrating that this method is unreasonable and in the absence of a COSS. In the Commission Staff's Report, Commission Staff followed the method proposed by Jessamine-South Elkhorn District and allocated Commission Staff's calculated revenue increase across the board to Jessamine-South Elkhorn District's monthly retail sewer service rates.

The rates contained in the Staff's Report will generate the appropriate revenue required from rates to supports its calculated revenue requirement. Additionally, in order to avoid a significant hardship on Jessamine-South Elkhorn District's customers, the Commission is revising the rates recommended in the Staff's Report to reflect a two-year phase-in approach to the total amount of the revenue increase. Although applying a two-year phase-in will not allow for depreciation reserves to be fully funded in the first year, it will allow for adequate revenues to cover expenses and debt service and a portion of the depreciation reserves. The rates set forth in Appendix B to this Order are based upon

²² Jessamine-South Elkhorn District's Response to Commission Staff's First Request (filed April 18, 2022), Item 4.

the revenue requirement the Commission has found to be fair, just, and reasonable and will produce sufficient revenues from water sales to recover the \$1,273,328 Revenue Required from Rates, an approximate 26.93 percent increase. The rates in Phase 1 will increase a typical residential customer's monthly water bill from \$80.52 to \$90.76, an increase of \$10.24, or approximately 12.72 percent.²³ The rates in Phase 2 will increase a typical residential customer's monthly water bill from the Phase 1 rates from \$90.76 to \$101.05, an increase of \$10.29, or approximately 11.34 percent.

COST-SAVING INVESTIGATION

While the rates calculated above represent fair recovery of expenses associated with providing sewer service, the Commission notes it is concerned with the long-term sustainability of the level of its residential sewer rates. Jessamine-South Elkhorn District is encouraged to investigate options to reduce its cost of operations, and therefore cost of service to its customers. Merger between nearby utilities or LFUCG may offer some financial support in operations as well as cost-reduction goals. Acknowledging the known difficulties presented when municipalities merge with a jurisdictional utility, Jessamine-South Elkhorn District should consider, if not merging in total, sharing resources, positions, professional consultants, or equipment costs. The utilities have established relationships, and the ratepayers should be aware of the cost savings possible if the utilities work together. At the very least, the board of Jessamine-South Elkhorn should review the possibilities of merger as part of a larger inquiry into a cost-reduction plan.

²³ The typical residential customer uses approximately 6,000 gallons per month.

<u>SUMMARY</u>

After consideration of the evidence of record and being otherwise sufficiently advised, the Commission finds that the recommendations contained in the Commission Staff's Report and discussed above are supported by the evidence of record and are reasonable. The Commission has historically used a Debt Service Coverage (DSC) method to calculate the revenue requirement for water districts or associations with outstanding long-term debt. Therefore, applying the DSC method to Jessamine-South Elkhorn District's pro forma operations results in an Overall Revenue Requirement of \$1,292,375 and, based upon pro forma present rate service revenues of \$1,003,135, a revenue increase of \$270,193 from sewer service rates is necessary to generate the overall revenue requirement. The Commission further finds that allocating the calculated revenue increase across the board to Jessamine-South Elkhorn District's monthly retail water service rates and to phase this increase over two years to be fair, just and reasonable.

IT IS THEREFORE ORDERED that:

1. The findings contained in the Commission Staff's Report are adopted and incorporated by reference into this Order as if fully set out herein.

2. The general service rates proposed by Jessamine-South Elkhorn District are denied.

3. Phase 1 rates set forth in Appendix B to this Order are approved for services rendered by Jessamine-South Elkhorn District on and after the date of this Order.

4. Phase 2 rates set forth in Appendix B to this Order are approved for services rendered by Jessamine-South Elkhorn District one year following the date of this Order.

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5. Within 20 days of the date of service of this Order, Jessamine-South Elkhorn District shall file with this Commission, using the Commission's electronic Tariff Filing System, new tariff sheets setting forth the rates and charges approved herein and their effective date, and stating that the rates and charges were authorized by this Order.

6. Jessamine-South Elkhorn District shall use the midpoint of the depreciable lives of the Commission on Rural Water ranges, as proposed in the application and agreed upon by Commission Staff, to depreciate sewer plant assets for accounting purposes in all future reporting periods. No adjustment to accumulated depreciation or retained earnings should be made to account for this change in the accounting estimate.

7. This case is closed and removed from the Commission's docket.

PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman Commission



ATTEST:

ndwell cutive Director

Case No. 2022-00053

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2022-00053 DATED AUG 25 2022

	7	Fest Year	aff Report	nission tment	F	Pro Forma
Operating Revenues Total Sewer Sales Other Sewer Revenues	\$	983,137	\$ 19,998		\$	1,003,135
Forfeited Discounts Misc Service Revenues		15,728	13,101 (1,988)		•	13,101 5,685
		13,720	(7,399) (656)			3,003
Total Operating Revenues		998,865	 23,056	 -	. <u> </u>	1,021,921
Operating Expenses						
Operation Expenses						
Engineering Fee		29,931				29,931
Sewer Usage		602,511				602,511
Maintenance Expenses			<i></i>			-
Maintenance of Collection Sewer System		133,514	(43,277)			90,237
Customer Expenses						-
Meter Reading		5,420				5,420
Bad Debt		15,809				15,809
Administrative and General Expenses						-
Salaries		163,161	(65,831) 1,155			98,485
Office Supplies and Other Expenses		9,341	1,567			10,908
Outside Services Employed		11,783	(625)			11,158
Insurance		8,618	2,439			11,057
Employee Pensions and Benefits		20,185	(7,590)			12,595
Transportation Expense		1,652	542			3,296
			1,102			
Miscellaneous Expense		23,833	393			
			880			
			(7,184)			
			 4,609			22,531
Total Operation and Mainenance Expenses		1,025,758	 (111,820)	 -		913,938
Depreciation Expense		282,732	3,079			005 004
Taxes Other Than Income		-	 50 7,008			285,861 7,008
Total Operating Expenses		1,308,490	 (101,683)	-	<u> </u>	1,206,807
Utility Operating Income(Loss)	\$	(309,625)	\$ 124,739	\$ -	\$	(184,886)

APPENDIX B

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2022-00053 DATED AUG 25 2022

Phase 1 Monthly Sewer Rates

First 2,000 Gallons Over 2,000 Gallons \$ 30.40 Minimum Bill 0.01509 Per Gallon

Phase 2 Monthly Sewer Rates To be implemented one year after Phase 1

First 2,000 Gallons Over 2,000 Gallons \$ 33.85 Minimum Bill 0.01680 Per Gallon

Nonrecurring Charges

Reconnection Fee	\$13.00
Returned Check Charge	\$12.00
Grease Trap Inspection Charge	\$15.00
Service Line Inspection Charge	\$15.00

*Robert K. Miller Straightline Kentucky LLC 113 North Birchwood Ave. Louisville, KENTUCKY 40206

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