

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF WATER)	
SERVICE CORPORATION OF KENTUCKY)	CASE NO.
ALONG WITH CORIX INFRASTRUCTURE (US))	2022-00396
INC. AND SW MERGER ACQUISITION CORP.)	
FOR APPROVAL OF TRANSFER OF CONTROL)	

ORDER

By Order dated March 23, 2023, the Commission conditionally granted the request of Water Service Corporation of Kentucky (Water Service Kentucky), Corix Infrastructure Inc. (Corix US), and SW Merger Acquisition Corp. (SWMAC) (collectively, Joint Applicants) for approval of an upstream merger between Corix US and SWMAC and transfer of indirect control of Water Service Kentucky. On March 29, 2023, Joint Applicants filed a motion requesting an extension for the 10-day deadline provided in the Commission's March 23, 2023 Order for the Chief Executive Officer for each Joint Applicant to provide a written acknowledgment accepting and agreeing to be bound by all regulatory commitments set forth in the Appendix to the Order. Joint Applicants specifically requested the deadline be extended to 10 days after all rights for rehearing under KRS 278.400, an action for review under KRS 278.410, and any appeal under KRS 278.450 or Rule of Appellate Procedure 44 are exhausted.

LEGAL STANDARD

Pursuant to KRS 278.390,

The Commission may compel obedience to its lawful orders by mandamus, injunction or other proper proceedings in the Franklin

Circuit Court or any other court of competent jurisdiction, and such proceedings shall have priority over all pending cases. Every order entered by the commission shall continue in force until the expiration of the time, if any, named by commission in the order, or until revoked or modified by the commission, unless the order is suspended, or vacated in whole or in part, by order or decree of a court of competent jurisdiction.

DISCUSSION

Joint Applicants stated that the Commission's March 23, 2023 Order contains an extensive list of regulatory commitments, first presented in the proceeding as part of the Commission's Order, and argued the Joint Applicants need additional time to analyze these commitments to determine whether they can comply with these commitments as written, whether they need clarification of the commitments, or whether they need to seek rehearing of these conditions. Joint Applicants further argued if they file a petition to seek clarification or reconsideration of any of these regulatory commitments or file an appeal, they should not be required to agree to these commitments until after a final order is issued and other rights to appeal have been exhausted.

The Commission acknowledges that the Joint Applicants may need further time to review and analyze the regulatory commitments set forth in the Order in order to provide a written response and acceptance of the commitments. However, the Commission finds that an extension of an additional 15 days, past the original 10-day deadline from the date of service of the Order, or until April 18, 2023, should provide sufficient time for the Chief Executive Officer of each Joint Applicant to provide a written response to the commitments. The Commission would note that these commitments were addressed throughout this proceeding, with many of the proposed commitments closely corresponding to the commitments provided by Joint Applicants themselves in the

application,¹ and others, while not referred to directly as regulatory commitments, were addressed within Commission Staff's First Request for Information to Joint Applicants.²

IT IS THEREFORE ORDERED that:

1. Joint Applicants' motion for an extension until 10 days after all rights for rehearing under KRS 278.400, an action for review under KRS 278.410, and any appeal under KRS 278.450 or Rule of Appellate Procedure 44 are exhausted, is denied.

2. Joint Applicants are granted an extension of an additional 15 days, or until April 18, 2023, for the Chief Executive Officer of each Joint Applicant to provide a written acknowledgment accepting and agreeing to be bound by all regulatory commitments set forth in the Appendix to the Commission's March 23, 2023 Order.

3. All other provisions of the Commission's March 23, 2023 Order shall remain in effect.

¹ Application at 16–17.

² Commission Staff's First Request for Information (Ky. PSC Dec. 22, 2022); Water Service Kentucky's Response to Commission's First Request for Information (filed Jan. 12, 2023).

PUBLIC SERVICE COMMISSION

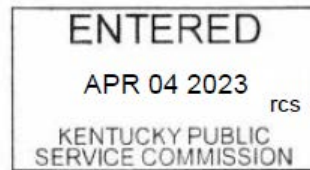


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Vice Chairman

Commissioner



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