

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF HARDIN)	CASE NO.
COUNTY WATER DISTRICT NO. 1 FOR)	2023-00143
TRANSFER AND ACQUISITION)	

ORDER

On May 5, 2023, Hardin County Water District No. 1 (Hardin District No. 1) and the City of Westpoint (Westpoint) (collectively, Joint Applicants) filed a joint application, pursuant to KRS 278.020(6) and KRS 278.020(7), requesting approval of Hardin District No. 1's acquisition of indirect control of Westpoint, a utility not subject to the Commission's jurisdiction.

KRS 278.020(7) states that the Commission shall render a decision on an application for the acquisition of control of a jurisdictional utility within 60 days after the application was filed, unless it is necessary to continue the application for up to 60 additional days, for good cause. Based upon a review of the application, the Commission finds that an investigation is necessary, and that the investigation cannot be completed by July 4, 2023. Therefore, the Commission will continue the application for up to 60 additional days, up to and including September 2, 2023.

The Commission further finds that a procedural schedule should be established for the orderly processing of this case. A procedural schedule is set forth in the Appendix to this Order.

Additionally, any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001E, Section 2, if the hearing is not concluded on the designated day, the hearing may be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing. Hearings are held in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. Witnesses who sponsor schedules, testimony, or responses to requests for information are expected to participate in person at a hearing.

IT IS THEREFORE ORDERED that:

1. This case is continued for 60 additional days, up to and including September 2, 2023.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. Joint Applicants shall respond to all requests for information propounded by Commission Staff, whether identified on the procedural schedule or otherwise, as provided in those requests.
4. Any party filing a paper with the Commission shall file an electronic copy in accordance with the electronic filing procedures set forth in 807 KAR 5:001E, Section 8. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. The Commission directs the parties to the

Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission.

5. As set forth in 807 KAR 5:001E, Section 4(11)(a), a person requesting permissive intervention in a Commission proceeding is required to demonstrate either (1) a special interest in the proceeding that is not adequately represented in the case, or (2) that the person requesting permissive intervention is likely to present issues or develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings. Therefore, any person requesting to intervene in a Commission proceeding must state with specificity the person's special interest that is not otherwise adequately represented, or the issues and facts that the person will present that will assist the Commission in fully considering the matter. A mere recitation of the quantity of utility service consumed by the movant or a general statement regarding a potential impact of possible modification of rates will not be deemed sufficient to establish a special interest.

6. Any motion to intervene filed after the date established in the procedural schedule shall also show good cause for being untimely. If the untimely motion is granted, the movant shall accept and abide by the existing procedural schedule.

7. Joint Applicants shall give notice of any scheduled hearing in accordance with the provisions set forth in 807 KAR 5:001E, Section 9(2). In addition, the notice of hearing shall include the following statement: "This hearing will be streamed live and may be viewed on the PSC website, psc.ky.gov" and "Public comments may be made at the

¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID-19* (Ky. PSC July 22, 2021), Order (in which the Commission ordered that for case filings made on and after March 16, 2020, filers are NOT required to file the original physical copies of the filings required by 807 KAR 5:001, Section 8).

beginning of the hearing. Those wishing to make oral public comments may do so by following the instructions listing on the PSC website, psc.ky.gov.” At the time publication is requested, Joint Applicants shall forward a duplicate of the notice and request to the Commission.

8. At any public hearing in this matter, neither opening statements nor summarization of direct testimonies shall be permitted.

9. Any hearing scheduled in this matter shall be held on the designated day or days and continued until called from the bench by the presiding officer. Pursuant to 807 KAR 5:001E, Section 2, if the hearing is not concluded on the designated day, the hearing shall be continued upon verbal announcement by the presiding officer. A verbal announcement made by the presiding officer shall be proper notice of the continued hearing.

10. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at any hearing scheduled in this matter.

11. Pursuant to KRS 278.360 and 807 KAR 5:001E, Section 9(9), a digital video recording shall be made of the hearing.

12. The Commission does not look favorably upon motions for continuance. Accordingly, motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

13. The Commission does not look favorably upon motions to excuse witnesses from testifying at Commission hearings. Accordingly, motions to excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing and will be granted only upon a showing of good cause.

PUBLIC SERVICE COMMISSION

Walt Clul
Chairman

Adh
Vice Chairman

Mary Pat Regen / Att with permission
Commissioner

ENTERED
MAY 25 2023
rCS
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:

Linda C. Bridwell
Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2023-00143 DATED MAY 25 2023

Last day for intervention requests to be accepted.....	05/30/2023
All initial requests for information to Joint Applicants shall be filed no later than	06/02/2023
Joint Applicants shall file responses to initial requests for information no later than.....	06/12/2023
All supplemental requests for information to Joint Applicants shall be filed no later than	06/22/2023
Joint Applicants shall file responses to supplemental requests for information no later than	07/03/2023
Intervenor testimony, if any, in verified prepared form shall be filed no later than.....	07/06/2023
All requests for information to Intervenors shall be filed no later than	07/17/2023
Intervenors shall file responses to requests for information no later than.....	07/27/2023
Joint Applicants shall file, in verified form, its rebuttal testimony no later than	08/01/2023
Last day for Parties to request a Public Hearing or submit a request for the matter be decided based upon the written record	08/04/2023

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