

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE	)	
FINANCIAL AND OPERATING CAPACITY OF	)	
BLACK MOUNTAIN UTILITY DISTRICT AS WELL	)	CASE NO.
AS POSSIBLE VACANCIES ON THE BOARD OF	)	2023-00235
COMMISSIONERS OF BLACK MOUNTAIN	)	
UTILITY DISTRICT	)	

ORDER

On November 10, 2025, Black Mountain Utility District (Black Mountain District) filed a motion for extension of time to file an application for an adjustment of rates as ordered by the Commission.¹ Black Mountain District asked for a 120-day extension to file said application.² By Order on August 11, 2025, the Commission had previously granted 120-day extension to file an application for an adjustment of rates until October 29, 2025.³

As grounds for the motion, Black Mountain District explained that it has experienced additional challenges, as more commissioners have resigned, and there have not yet been appointments for all the vacancies.⁴ Additionally, Black Mountain District explained the new manager left and the utility is in the process of hiring its third

¹ Black Mountain District's Motion for Extension of Time (Motion) (filed Nov. 10, 2025).

² Black Mountain District's Motion at 2.

³ Order (Ky. PSC Aug. 11, 2025) at 2.

⁴ Black Mountain District's Motion at 2.

manager in 2025.⁵ Black Mountain District stated that, due to the issues outside of Black Mountain District's control, it has been unable to prepare the required information that Kentucky Rural Water Association needs to then prepare its rate studies.⁶ Black Mountain District believes it can deliver the required information to Kentucky Rural Water Association, the rate studies can be completed, and an application can be filed within the next 120 days.⁷

Having considered the motion and being otherwise sufficiently advised, the Commission finds that good cause exists to grant the requested 120-day extension. The Commission recognizes that Black Mountain District has experienced unforeseen complications beyond its control, which made difficult timely submission of the application by the October 29, 2025 deadline. The Commission expects Black Mountain District to work diligently to prepare the application during this 120-day extension. Black Mountain District should respond to the request for information attached to this Order as set forth in the request.

IT IS THEREFORE ORDERED that:

1. Black Mountain District's motion for extension of time is granted.
2. No later than February 26, 2026, and using a 2024 test year, Black Mountain District shall file an application for a general rate case, or an application for an alternative rate adjustment, pursuant to 807 KAR 5:076.

⁵ Black Mountain District's Motion at 2.

⁶ Black Mountain District's Motion at 2.

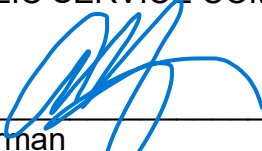
⁷ Black Mountain District's Motion at 2.

3. Black Mountain District shall file its responses to Commission Staff's Second Post-Hearing Request for Information, attached to this Order as an Appendix, as provided in the request.

4. Black Mountain District shall respond to any additional requests for information propounded by Commission Staff as provided in those requests.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



Case No. 2023-00235

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2023-00235 DATED NOV 25 2025

COMMISSION STAFF'S SECOND POST HEARING REQUEST FOR INFORMATION TO BLACK MOUNTAIN UTILITY DISTRICT

Black Mountain Utility District (Black Mountain District), pursuant to 807 KAR 5:001, shall file with the Commission an electronic version of the following information. The information requested is due on December 19, 2025. The Commission directs Black Mountain District to the Commission's July 22, 2021 Order in Case No. 2020-00085¹ regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked.

Each response shall include the question to which the response is made and shall include the name of the witness responsible for responding to the questions related to the information provided. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or the 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.

Black Mountain District shall make timely amendment to any prior response if Black Mountain District obtains information that indicates the response was incorrect or

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).

incomplete when made or, though correct or complete when made, is now incorrect or incomplete in any material respect.

For any request to which Black Mountain District fails or refuses to furnish all or part of the requested information, Black Mountain District shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

Careful attention shall be given to copied and scanned 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. When applicable, the requested information shall be separately provided for total company operations and jurisdictional operations. When filing a paper containing personal information, Black Mountain District shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

1. Refer to Black Mountain District's motion for extension of time,² paragraph 3.

- a. Provide the start date for the newest manager.
- b. Provide a timeline, beginning January 1 2024, through the date of this request, of the start and end dates for all managers of Black Mountain District.
- c. Provide the number of current board vacancies.
- d. Identify the former board member and provide the date of resignation for each board member for which there is a current vacancy.

² Black Mountain District's Motion for Extension of Time (filed Nov. 10, 2025).

e. Provide a list of all current board members, their appointment dates, proof of their appointment with the Harlan County Fiscal Court, and any documentation of water commissioner training.

2. Refer to Black Mountain District's motion for extension of time, paragraph 4.

a. Identify and provide the information Black Mountain District needs to provide to Kentucky Rural Water Association and why it has been unable to do so.

b. Explain, once the information is provided, how long Kentucky Rural Water Association will need to prepare its rate studies.

3. Explain whether Black Mountain District has considered soliciting for a contracted management arrangement (i.e. with another utility or a utility management company).

4. Explain whether Black Mountain District has considered pursuing merger/sale opportunities.

*L. Allyson Honaker
Honaker Law Office, PLLC
1795 Alysheba Way
Suite 1203
Lexington, KY 40509

*Shawn Miller
Commissioner
Black Mountain Utility District
609 Four Mile Road
Baxter, KY 40806-8437

*Black Mountain Utility District
609 Four Mile Road
Baxter, KY 40806-8437

*Chad Brock
Chairman
Black Mountain Utility District
609 Four Mile Road
Baxter, KY 40806-8437

*Dan Mosley
Harlan County Judge Executive
PO Box 956
Harlan, KY 40831

*Brandon Shepherd
Commissioner
Black Mountain Utility District
609 Four Mile Road
Baxter, KY 40806-8437

*Bill Clem
Commissioner
Black Mountain Utility District
609 Four Mile Road
Baxter, KY 40806-8437

*Dwayne Williams
Commissioner
Black Mountain Utility District
609 Four Mile Road
Baxter, KY 40806-8437

*Grant Cooper
Manager
Black Mountain Utility District
609 Four Mile Road
Baxter, KY 40806-8437