

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC APPLICATION OF BRACKEN)
COUNTY WATER DISTRICT REQUEST FOR A)
CERTIFICATE OF PUBLIC NEED AND)
CONVENIENCE OR ALTERNATIVELY A)
DECLARATORY ORDER ESTABLISHING THAT A)
CERTIFICATE OF PUBLIC NEED AND)
CONVENIENCE IS NOT NECESSARY; AS TO)
TRANSFER OF DEVELOPER'S WATER ASSETS;)
AND APPROVAL OF THE WATER TRANSFER)
ASSET CONTRACT, PURSUANT TO KRS)
278.020, 807 KAR 5:001, SECTION 15, AND/OR)
807 KAR 5:001, SECTION 19)

CASE NO.
2024-00222

ORDER

On July 12, 2024, Bracken County Water District (Bracken District) filed an application, pursuant to KRS 278.020, requesting approval of a water distribution assets transfer to Bracken District from the Augusta Brooksville Bracken Industrial Authority (ABBIA). The application indicated that ABBIA is a developer that is not a utility as defined by KRS 278.010(3) and is not regulated by the Commission. Bracken District requested approval for a certificate of public convenience and necessity (CPCN) for the transfer of water utility assets, pursuant to KRS 278.020 and 807 KAR 5:001, Section 15; or alternatively for the Commission to issue a declaratory Order, pursuant 807 KAR 5:001, Section 19, and KRS 278.020, that a CPCN is not needed for the water distribution asset transfer, given that the transfer of assets is from a non-utility.

The Commission finds that an investigation of the proposed transfer is necessary and that a procedural schedule should be established to ensure an orderly review of the

application. A procedural schedule is set forth in the Appendix to this Order. The Commission also finds that additional time will be necessary to conduct a thorough review of the proposed transaction due to the limited information the Commission currently has regarding ABBIA and the extent of the assets being transferred. While there is a question regarding the applicability of the timeline in KRS 278.020(7) to the transfer, the Commission finds that the review of this matter should be conducted based on the timeline set forth therein, and the Commission finds good cause exists for extending the 60-day timeline by 60 days to 120 days from the date the application was filed. Therefore, the Commission will continue the application for up to 60 additional days, up to and including November 9, 2024.

IT IS THEREFORE ORDERED that:

1. This case is continued for 60 additional days, up to and including November 9, 2024.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. Bracken District 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 5:001, 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 5:001, 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. 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.


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).

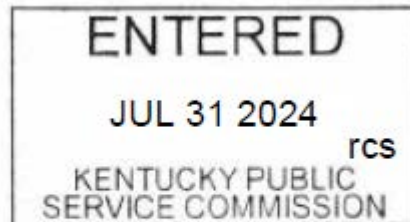
PUBLIC SERVICE COMMISSION

Chairman

Vice Chairman

Commissioner



ATTEST:


Executive Director

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2024-00222 DATED JUL 31 2024

- Last day for intervention requests to be accepted..... 08/01/2024
- All initial requests for information to Bracken District
shall be filed no later than 08/09/2024
- Bracken District shall file responses to initial requests for
information no later than..... 08/23/2024
- All supplemental requests for information to Bracken District
shall be filed no later than 09/06/2024
- Bracken District shall file responses to supplemental requests
for information no later than 09/20/2024
- Last day for parties to request a public hearing or
submit a request for the matter be decided
based upon the written record..... 09/30/2024

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