

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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| ELECTRONIC INVESTIGATION INTO THE |) | |
| STATUS OF THE POTENTIAL EXPANSION OR |) | CASE NO. |
| REPLACEMENT OF THE BULLOCK PEN WATER |) | 2025-00259 |
| DISTRICT TREATMENT PLANT |) | |

ORDER

Bullock Pen Water District (Bullock Pen District) is a water district organized pursuant to KRS Chapter 74. Bullock Pen District provides water service to approximately 7,785 residential, commercial, industrial, and multiple family dwelling customers in Boone, Gallatin, Grant, Kenton, and Pendleton counties, Kentucky.¹ The Kentucky Public Service Commission (Commission or PSC), on its own motion, establishes this proceeding to investigate the status of Bullock Pen District's potential water treatment plant expansion or replacement.

On September 15, 2023, in Case No. 2023-00306, pursuant to 807 KAR 5:001, Section 19, Bullock Pen District applied for a Declaratory Order from the Commission for the purpose of determining whether a Certificate for Public Convenience and Necessity (CPCN) was required for Bullock Pen District to purchase a tract of land.² In its application, Bullock Pen District stated that it was in the process of conducting a

¹ *Annual Report of Bullock Pen District to the Public Service Commission for the Year Ending December 31, 2024* (2024 Annual Report) at 12 and 50.

² Case No. 2023-00306, *Electronic Application of Bullock Pen Water District for a Declaratory Order Pursuant to KAR 807 5:001, Section 19* (filed Sept. 15, 2023), Application.

preliminary investigation for the expansion or replacement of its water treatment plant.³ According to the application in 2023, Bullock Pen District's current water treatment plant was constructed in the 1960s and has a practical treatment capacity between 400,000 and 500,000 gallons per day, and that due to the age, condition, and general obsolescence of the current water treatment plant, the facility can no longer adequately serve all of Bullock Pen District's customers.⁴ As a result, Bullock Pen District started exploring options for the current water treatment plant's expansion or replacement and received an engineering report indicating the Bullock Pen District's needs would be best met with a water treatment plant capable of producing 2,000,000 gallons per day.⁵

Bullock Pen District's current water treatment plant is located on an approximately two acre tract on Bullock Pen Lake.⁶ In order to accommodate a future new wastewater treatment plant, Bullock Pen District sought to purchase a 12.97 acre parcel of land adjacent to its current water treatment plant (the Catlett Property).⁷ Accordingly, Bullock Pen District filed an application for a Declaratory Order to determine whether a CPCN was necessary for the purchase of the Catlett Property.

On October 6, 2023, the Commission issued an Order finding that Bullock Pen District's purchase of the Catlett property alone did not require a CPCN.⁸ However, the

³ Case No. 2023-00306, Sept. 15, 2023, Application at 2.

⁴ Case No. 2023-00306, Sept. 15, 2023, Application at 2–3.

⁵ Case No. 2023-00306, Sept. 15, 2023, Application at 3.

⁶ Case No. 2023-00306, Sept. 15, 2023, Application at 3.

⁷ Case No. 2023-00306, Sept. 15, 2023, Application at 3.

⁸ Case No. 2023-00306, *Electronic Application of Bullock Pen Water District for a Declaratory Order Pursuant to KAR 807 5:001, Section 19* (Ky. PSC Oct. 6, 2023) Order at 7–8.

Commission specifically cautioned Bullock Pen District that any work done to the land other than routine maintenance would be considered part of a construction project and would, therefore, likely require a CPCN.⁹ According to Bullock Pen District's 2023 Annual Report, Bullock Pen District purchased the Catlett Property for \$350,000 in 2023.¹⁰

Based upon the above, the Commission finds that an investigation should be initiated to inquire about the status of Bullock Pen District's potential water treatment plant expansion or replacement. As of the date of this Order, the Commission has not received an application for a CPCN from Bullock Pen District. Considering the significant rate impact that such a project could have on the Bullock Pen District rates, the Commission finds it appropriate to review steps that have been taken, to date, regarding this potential project.

The Commission directs Bullock Pen District to the Commission's July 22, 2021, Order in Case No. 2020-00085¹¹ in which the Commission mandated the use of electronic filing procedures listed in 807 KAR 5:001, Section 8. Consistent with the filing procedures set forth in Case No. 2020-00085, the Commission finds that electronic filing procedures should be used.

⁹ Case No. 2023-00306, Oct. 6, 2023 Order at 7.

¹⁰ *Annual Report of Bullock Pen District to the Public Service Commission for the Year Ending December 31, 2023* (2023 Annual Report) at 26.

¹¹ Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID19* (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).

The Commission further finds that a procedural schedule is necessary to facilitate the orderly processing of this case. Therefore, the Commission establishes the procedural schedule attached as an 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 5:001, 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 proceeding is established to investigate the status of Bullock Pen District's potential water treatment plant expansion or replacement.
2. The procedural schedule set forth in the Appendix to this Order shall be followed.
3. Bullock Pen 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. 2020-00085¹² 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. Bullock Pen District shall give notice of the hearing in accordance with the provisions set forth in 807 KAR 5:001, Section 9(2). In addition, the notice of hearing

¹² Case No. 2020-00085, *Electronic Emergency Docket Related to the Novel Coronavirus COVID19* (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).

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 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, Bullock Pen District 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 5:001, 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 5:001, 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 substitute witnesses or excuse witnesses from testifying at Commission hearings. Accordingly,


motions to substitute witnesses or excuse a witness from testifying at a Commission hearing or from testifying in person at a Commission hearing shall be made in writing at least 14 days prior to the hearing and will be granted only upon a showing of good cause.


14. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

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PUBLIC SERVICE COMMISSION


Chairman


Commissioner


Commissioner

ATTEST:


Executive Director



Case No. 2025-00259

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2025-00259 DATED AUG 12 2025

Last day for intervention requests to be accepted..... 08/27/2025

All initial requests for information to Bullock Pen District
shall be filed no later than 09/10/2025

Bullock Pen District shall file responses to initial requests for
information no later than..... 09/24/2025

All supplemental requests for information to Bullock Pen District
shall be filed no later than 10/08/2025

Bullock Pen District shall file responses to supplemental requests
for information no later than 10/22/2025

Intervenor testimony, if any, in verified prepared
form shall be filed no later than..... 11/05/2025

All requests for information to Intervenors shall
be filed no later than..... 11/19/2025

Intervenors shall file responses to requests for
information no later than..... 12/03/2025

Bullock Pen District shall file, in verified form, its rebuttal
testimony no later than..... 12/17/2025

Last day for any party to request a Public Hearing or submit a
request for the matter to be decided based upon the written record.....01/07/2026

*Bullock Pen Water District
One Farrell Drive
P. O. Box 188
Crittenden, KY 41030