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Case Management System - KY Public Service Commission*Regular Cases Before the Commission as of November 28, 2024***2023-00235**

RECEIVED: 10/09/23

FILED: 10/09/23

FINAL:

REOPENED:

SUSPENSION DATE:

CASE CODE

Investigation - Service

UTILITIES:

Black Mountain Utility District

HEARINGS:

03/26/24

Formal Hearing

INDEX OF EVENTS:

11/20/24 Heather Temple Black Mountain Utility District Motion for Extension to File Audits

11/06/24 Final Order Entered: 1. Burl Fee, Jr. and Ron Frazier are hereby appointed to fill the remaining vacant seats on Black Mountain District's Board. 2. The term to which Burl Fee, Jr. and Ron Frazier are appointed shall expire on November 6, 2028. 3. The term of each commissioner appointed shall be four years pursuant to KRS 74.020. 4. The Executive Director shall service a copy of this Order upon the Harlan County Judge/Executive; the members of the Harlan County Fiscal Court; Mr. Burl Fee, Jr; Mr. Ron Frazier; Mr. Ronald Williams, and Black Mountain District's Board.

10/25/24 Heather Temple Black Mountain Utility District Proof of Compliance with August 20, 2024 Order

10/10/24 L. Allyson Honaker Black Mountain Utility District Partial Compliance Filing

09/23/24 Ronald Z. Williams, Jr. Request for Consideration

09/19/24 Burl Fee Jr. Request for Consideration

09/16/24 Heather Temple Black Mountain Utility District Notice of Publication and Motion for Extension

09/16/24 Ron Frazier Request for Consideration

08/20/24 Order Entered: 1. Bill Clem and Chad Brock are dismissed as parties from this case. 2. Shawn Miller, Brandon Shepard, and Dwayne Williams and Manager, Grant Cooper, are each assessed a civil penalty of \$100 to be paid within two years of the service of this Order for their violations of KRS 278.300; 807 KAR 5:006 Section 4 (1) and (3) and the Commission's November 9, 2015 Order in Case No. 2015-00088. 3. Payment pursuant to ordering paragraph 2 shall be made by cashier's check or money order payable to the Kentucky State Treasurer and mailed or delivered to the Office of the General Counsel, Kentucky Public Service Commission, 211 Sower Boulevard, Post Office Box 615, Frankfort, Kentucky 40602. 4. The Commission shall waive the civil penalty of \$100 for each individual, Shawn Miller, Brandon Shepard, Dwayne Williams, and Grant Cooper who attends a total of 24 hours of Commission approved training within twenty-four months of this Order, in addition to any other required yearly training and any other Commission ordered training. The commissioners shall provide written notice of their presence at the training within 30 days of attendance; and follow all other requirements contained in this Order.

5. Black Mountain District shall file all remaining audit reports and annual report, and finish editing its 2020 Annual Report within three months of this Order.

07/02/24 L. Allyson Honaker Black Mountain Utility District Proof of publishing vacancy notice

07/01/24 Ronald Z. Williams, Jr. Request for Consideration

06/14/24 Order Entered: 1. The case style of this case shall be amended to reflect the expanded investigation and shall read as follows: ELECTRONIC INVESTIGATION INTO THE FINANCIAL AND OPERATING CAPACITY OF BLACK MOUNTAIN UTILITY DISTRICT AS WELL AS POSSIBLE VACANCIES ON THE BOARD OF COMMISSIONERS OF BLACK MOUNTAIN UTILITY DISTRICT 2. Shawn Miller, Brandon Shepard, and Dwayne Williams are hereby appointed to fill their respective vacant seats on Black Mountain District's Board.

3. The term to which Shawn Miller, Brandon Shepard, and Dwayne Williams are appointed shall expire on June 14, 2028. 4. Within 20 days of the date of entry of this Order, Black Mountain District shall publish, in a newspaper of general circulation in Harlan County, the notice of the vacancies on Black Mountain District's Board attached as Appendix hereto. 5. Within five days of publication, Black Mountain District shall supply proof of publication to the Commission. 6. Within 20 days of the date of publication, any person who wishes to apply as a candidate to fill the vacancies on Black Mountain District's Board shall submit to the Commission, in writing, their name, address, telephone number, qualifications, and shall reference Case No. 2023-00235. 7. The term of the commission appointed shall be four years pursuant to KRS 74.020. 8. The Executive Director shall service a copy of this Order upon Harlan County Judge/Executive; members of the Harlan County Fiscal Court; and Black

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Mountain District's Board.

06/07/24 Heather Temple Black Mountain Utility District Confidential Filing Attachment C

05/24/24 Heather Temple Black Mountain Utility District Post-Hearing Brief

05/14/24 Notice of Filing Hearing Documents - March 26, 2024

04/18/24 Ken Taylor Public Comment

04/12/24 Heather Temple Black Mountain Utility District Responses to Commission Staffs Post-Hearing Request for Information

04/12/24 Heather Temple Black Mountain Utility District Responses to Commission Staffs Post-Hearing Request for Information

03/28/24 COMMISSION STAFF'S POST-HEARING REQUEST FOR INFORMATION TO BLACK MOUNTAIN UTILITY DISTRICT

03/28/24 Order Entered: 1. Black Mountain District's motion to excuse Bill Clem is denied. 2. Post-hearing requests for information, if any, shall be filed on or before March 29, 2024. 3. Responses to post-hearing requests for information shall be filed on or before April 12, 2024. 4. Black Mountain District shall file a memorandum brief in support of Black Mountain District's post-hearing position on or before May 26, 2024. 5. This case shall stand submitted for a decision by the Commission effective 12:01 a.m. Eastern Daylight Time, May 27, 2024.

03/22/24 L. Allyson Honaker Black Mountain Utility District Supplemental Responses to Staffs First Data Requests

03/22/24 Heather Temple Black Mountain Utility District Motion to Excuse Witness and Witness List

03/19/24 L. Allyson Honaker Black Mountain Utility District Proof of Publication of Hearing Notice

03/13/24 Order Entered: 1. The records in Case No. 2023-00202 are incorporated by reference into this matter. 2. The most recent Black Mountain Utility District report is incorporated by reference into this matter.

03/05/24 L. Allyson Honaker Black Mountain Utility District Proof of Request to Publish Hearing Notice

02/29/24 Order Entered: 1. A hearing in this matter shall be held on March 26, 2024, at 9 a.m. Eastern Daylight Time and continuing until called from the bench by the presiding officer, in the Richard Raff Hearing Room at the offices of the Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky. 2. 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. 3. Witnesses who sponsor schedules, testimony, or responses to requests for information shall participate in person at the March 26, 2024 hearing. 4. The Commission expects to hear testimony from Grant Cooper, Dan Mosley, Brandon Shepard, Dewayne Williams, Shawn Miller, Chad Brock, and Bill Clem. 5. Black Mountain Utility District (Black Mountain District) shall give notice of the hearing in compliance with 807 KAR 5:001, Section 9(2)(b).

02/02/24 L. Allyson Honaker Black Mountain Utility District Responses to Staffs Second DRs

01/12/24 COMMISSION STAFF'S SECOND REQUEST FOR INFORMATION TO BLACK MOUNTAIN UTILITY DISTRICT

12/27/23 L. Allyson Honaker Black Mountain Utility District Responses to Commission Staffs First DR

12/06/23 COMMISSION STAFF'S FIRST REQUEST FOR INFORMATION TO BLACK MOUNTAIN UTILITY DISTRICT

11/17/23 L. Allyson Honaker Black Mountain Utility District Response to Commission Order

11/10/23 L. Allyson Honaker Black Mountain Utility District Notice of Attending Water Training

10/26/23 Order Entered: 1. Black Mountain District's motion is granted. 2. Responses to Commission's October 9, 2023 Order shall be filed on or before November 17, 2023.

10/19/23 L. Allyson Honaker Black Mountain Utility District Entry of Appearance and Motion for Extension

10/09/23 Order Entered: 1. Black Mountain District shall submit to the Commission a written response to provide an update on the utility's financial status, operations, and progress to combat water loss within 20 days of the date of service of this Order. 2. Counsel shall enter an appearance or appearances within 20 days of the date of service of this Order. 3. The Commission directs Black Mountain District to the Commission's July 22, 2021 Order in Case No. 2020-0008527 regarding filings with the Commission. Electronic documents shall be in portable document format (PDF), shall be searchable, and shall be appropriately bookmarked. 4. Each response 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

Case Management System - KY Public Service Commission

Regular Cases Before the Commission as of November 28, 2024

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. 5. A party filing a paper containing personal information shall, in accordance with 807 KAR 5:001, Section 4(10), encrypt or redact the paper so that personal information cannot be read.

Total Number of Cases: 1