

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BLUEGRASS DEVELOPMENT CO.	)	
	)	
COMPLAINANT	)	
	)	
VS.	)	CASE NO. 95-061
	)	
KENTUCKY UTILITIES COMPANY	)	
AND	)	
OWEN ELECTRIC COOPERATIVE, INC.	)	
	)	
DEFENDANTS	)	

Q R D E R

On February 28, 1995, Owen Electric Cooperative, Inc. ("Owen Electric") filed a motion to dismiss the complaint filed by Bluegrass Development Co. ("Bluegrass") seeking a ruling under KRS 278.016-278.018 that Kentucky Utilities Company ("KU") should have the right to serve a residential development located in two adjacent certified territories. As grounds for its motion, Owen Electric argues that the residential development does not itself constitute a new electric consuming facility so there is no reason to apply the statutory criteria to determine which retail electric supplier should serve such facility. Further, it argues that it has an exclusive right to serve all the electric consuming facilities located within its certified territory.

Having considered Owen Electric's motion and the responses by Bluegrass and KU, the Commission hereby finds that the motion raises factual issues that cannot be adjudicated until the parties

have been afforded an opportunity to conduct discovery and present evidence.

IT IS THEREFORE ORDERED that the motion to dismiss be and it hereby is denied without prejudice.

Done at Frankfort, Kentucky, this 4th day of April, 1995.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director