

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION AND COMPLAINT OF)	
CUMBERLAND VALLEY ELECTRIC, INC.)	
CONCERNING SERVICE BY KENTUCKY)	CASE NO. 2004-00030
UTILITIES COMPANY IN CONTRAVENTION)	
OF KRS 278.016--018 AND KRS 278.020)	

O R D E R

On January 9, 2004, Cumberland Valley Electric, Inc. ("Cumberland Valley") filed a complaint against Kentucky Utilities Company ("KU") alleging that KU was violating the Territorial Boundary Act, KRS 278.016--278.018, by providing electric service within the Southeast Kentucky Regional Business Park to a building that is partially within Cumberland Valley's territory. KU filed a response requesting that the complaint be held in abeyance due to the pendency of similar territorial boundary issues in Case No. 2003-00226¹ and the potential that the Commission's resolution of that case could render moot the claims raised in this complaint. Subsequently, Cumberland Valley filed a notice to withdraw its complaint as settled based on the negotiated settlement filed in Case No. 2003-00226.

Based on the notice and being otherwise sufficiently advised, the Commission finds that the issues raised herein by Cumberland Valley's complaint have been fully

¹ Case No. 2003-00226, Petition of CTA Acoustics, Inc. to Retain Kentucky Utilities Company as Power Supplier and For Expedited Treatment.

resolved by the settlement filed in Case No. 2003-00226. Therefore, good cause exists to allow Cumberland Valley to withdraw its complaint.

IT IS THEREFORE ORDERED that Cumberland Valley's complaint is withdrawn as settled and this case is closed and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 31st day of March, 2004.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Thomas H. O'Dell", written over a horizontal line.

Executive Director