

BEFORE THE PUBLIC SERVICE COMMISSION
COMMONWEALTH OF KENTUCKY

RECEIVED

MAR 17 2008

PUBLIC SERVICE
COMMISSION

In the Matter of:

PRESTONSBURG CITY UTILITIES)
COMMISSION'S EMERGENCY WATER SUPPLY)
AGREEMENT WITH SOUTHERN WATER AND) CASE NO.
SEWER DISTRICT) 2007-00218

MOTION

Prestonsburg City's Utilities Commission ("Prestonsburg"), by counsel, moves to submit this case for decision on the record without a hearing.

The basis for this motion is that Prestonsburg has unilaterally agreed to not implement a rate increase to Southern Water & Sewer District pursuant to paragraph 7 of the Emergency Water Supply Agreement dated July 25, 2005 ("Emergency Agreement"). Paragraph 7 of the Emergency Agreement provides for rate schedule modifications using the Consumer Price Index as an adjustment mechanism. Since the use of the Consumer Price Index as an adjustment mechanism was the sole matter at issue in the case, the case is now moot. Notwithstanding the foregoing, Prestonsburg reserves the right to increase rates pursuant to the regulations of the Commission.

For these reasons, Prestonsburg requests a hearing not be scheduled and the case submitted for decision.

Respectfully submitted,



Kipley J. McNally, Esq.
Kipley J. McNally, PLC
2527 Nelson Miller Parkway, Ste. 104

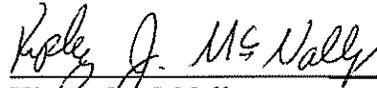
Louisville, Kentucky 40223
Telephone: (502) 245-6133
Fax: (502) 245-1974

Counsel for Prestonsburg City's
Utilities Commission

Date submitted: March 17th, 2008

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been served via U.S. mail, postage prepaid, on Mr. Hubert Halbert, Southern Water & Sewer District, Water Division, P.O. Box 610, 245 Kentucky Route 680, McDowell, Kentucky 41647 on the 17th day of March, 2008.



Kipley J. McNally