

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

EVERGREEN SEWAGE DISPOSAL SYSTEM)	CASE NO.
REQUEST FOR DEVIATION FROM 807 KAR 5:071,)	2014 -00290
SECTION 7(4))	

ORDER

Through a letter dated August 13, 2014, Terry Coker,¹ acting on behalf of Evergreen Sewage Disposal System (“Evergreen”), requested that the Commission authorize a deviation from 807 KAR 5:071, Section 7(4), a provision of the Commission’s administrative regulations that requires inspections of all mechanical equipment of a sewage treatment facility on a daily basis. The letter was date-stamped “Received” on August 18, 2014, and it was assigned Case No. 2014-00290.² The Acknowledgement Letter includes the following statement of notice.

Pursuant to the 2014 revisions to KRS 278.380, beginning on July 16, 2014, the Commission shall use electronic means to deliver orders. Please ensure a proper email address is included for each person to be included on the Commission’s official service list.³

On September 24, 2014, the Commission entered an Order propounding Commission Staff’s First Request for Information to Evergreen (“Commission Staff’s

¹ Mr. Coker indicates that he is a contractor who serves as the operator of record for Evergreen. August 13, 2014 Letter from Terry Coker to Jeff Derouen (“August 13, 2014 Coker Letter”).

² August 18, 2014 Letter from Jeff Derouen to Parties of Record (“August 18, 2014 Acknowledgement Letter”).

³ *Id.*

First Request”). Pursuant to KRS 278.380, electronic means were used to deliver the Order. The information requested was due 14 days from the entry of the Order. Evergreen did not timely file a response to Commission Staff’s First Request.

Through a letter dated October 24, 2014,⁴ Terry Coker, acting on behalf of Evergreen, requested to remove the matter from the Commission’s consideration, which is being treated by the Commission as a motion for leave to withdraw the request for deviation. In support of the motion, Mr. Coker stated, “[a]fter reading the request, I concluded that it was going to take many hours of research to answer and verify all of the data that was requested.”⁵ Mr. Coker further stated, “I have neither the time for such research nor does Evergreen SDS have the funds.”⁶ Mr. Coker stated: “As of November 1, 2014 we will be checking all of the equipment which consists of one (1) blower and two (2) pumps seven (7) days per week.”⁷

Having reviewed the motion and being otherwise sufficiently advised, the Commission finds that Evergreen has established good cause to permit it to leave to withdraw its request for deviation.

IT IS THEREFORE ORDERED that:

1. Evergreen’s motion for leave to withdraw its August 18, 2014 application for a deviation is granted.

⁴ The letter was date-stamped “Received” by the Commission on October 28, 2014.

⁵ October 24, 2014 Letter from Terry Coker to Jeff Derouen (“October 24, 2014 Coker Letter”).

⁶ *Id.*

⁷ *Id.*

2. This case is dismissed without prejudice and removed from the Commission's docket.

By the Commission

ENTERED
NOV 12 2014
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Terry A Coker
KY Wasterwater Operator II
106 Shannon Court
Georgetown, KENTUCKY 40324