

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE COMPLAINT OF VILLAGE GREEN)
SUBDIVISION, INC., OLDHAM COUNTY,)
KENTUCKY, AGAINST ASH AVENUE)
SANITARY SEWER COMPANY, INC.) CASE NO. 7711

ORDER DENYING REHEARING

On May 12, 1981, Village Green Subdivision, Inc. ("Village Green") filed an application for rehearing of this Commission's Order issued April 15, 1981, which disclaimed jurisdiction over this matter. While Village Green's application for rehearing was not timely filed, 1/ the Commission will nevertheless address the merits of the application. On May 20, 1981, Ash Avenue Sanitary Sewer Company ("Ash Avenue") filed a response in opposition to Village Green's request for rehearing.

The gravamen of Village Green's complaint in its application for rehearing is that the PSC failed to "dispose of all matters raised" in its original complaint to this Commission in March of 1980. However, as Ash Avenue correctly points out in its response, our finding that this Commission lacked jurisdiction over this

1/ See K.R.S. 278.400.

dispute between private parties, and that it should be properly resolved in the Oldham Circuit Court, obviated any need to reach the "merits" of the complaint. Moreover, even if Village Green's complaint against Ash Avenue had been properly subject to the Public Service Commission's jurisdiction, this agency would have been under no obligation to discuss and resolve each and every matter raised by the parties. 2/

For all the above-stated reasons, the Commission HEREBY ORDERS that the application for rehearing filed by Village Green Subdivision be, and it hereby is, denied.

Done at Frankfort, Kentucky this 1st day of June, 1981.

PUBLIC SERVICE COMMISSION

Marlin M. Vohs
CHAIRMAN

Katherine Randall
VICE CHAIRMAN

D. M. Hargrave
COMMISSIONER

ATTEST:

SECRETARY

2/ U.S. v. Pierce Auto Freight Lines, 327 U.S. 515, 90 L.ed. 821 (1946); Mackey Radio Telegraph Co. v. Federal Communications Commission, 97 F.2d 641 (D.C. Cir. 1938).