

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LANSDOWNE RESIDENTS' ASSOCIATION, INC.) CASE NO. 8721

ORDER DISCLAIMING JURISDICTION

On October 27, 1982, the Lansdowne Residents' Association, Inc., ("Lansdowne") filed a petition with the Commission requesting that Lansdowne be declassified as a public utility. In support of its request, Lansdowne stated that it owns a sewage treatment plant designed to serve only the nine homeowners who reside in the Lansdowne Subdivision in Jefferson County, Kentucky. Lansdowne further states that each homeowner is a member of the Lansdowne Residents Association, Inc., and as such, owns a one-ninth interest in the sewage treatment facility. Accordingly, all nine lot owners pay a pro-rata share of the operating expenses of the plant, with no additional fees paid to Lansdowne for operating the facility. Lansdowne concludes that there is no service "to the public" in such a situation, and it should, therefore, be exempt from regulation by the PSC.

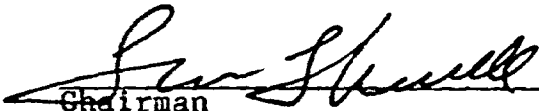
The Commission agrees with Lansdowne's analysis of these facts and concludes that Lansdowne should be exempt from regulation as a public utility. KRS 278.010(3)(d) defines a utility as follows: "[A]ny person except a city who owns, controls or

operates or manages any facility used or to be used for or in connection with: the diverting, developing, pumping, impounding, distributing or furnishing of water to or for the public, for compensation." Since each homeowner in the Lansdowne Subdivision owns a one-ninth interest in the sewage plant and each contributes an equal share for the cost of maintaining and operating this plant, the Commission finds that there is no service to the public as required by KRS 278.010(3)(d) in order to become a public utility.

Based upon the above-stated finding, the Commission HEREBY ORDERS that the Lansdowne Residents' Association, Inc., be, and it hereby is, declassified as a public utility subject to this Commission's jurisdiction.

Done at Frankfort, Kentucky, this 24th day of November, 1982.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary