

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A JOINT APPLICATION OF THE CITY OF)
MINOR LANE HEIGHTS, A MUNICIPAL)
CORPORATION OF THE FIFTH CLASS)
SITUATED IN JEFFERSON COUNTY,)
KENTUCKY AND CALVERT INVESTMENTS,)
INC., A REGULATED PRIVATE UTILITY)
CORPORATION. THAT THE PUBLIC)
SERVICE COMMISSION OF KENTUCKY)
APPROVE THE SALE OF SAID CORPORATE)
ASSETS OF CALVERT INVESTMENTS, INC.)
AND THE PURCHASE OF SAID CITY OF)
ALL SUCH ASSETS INCLUDING THE SEWER)
TREATMENT FACILITY AND COLLECTION)
SYSTEM AND ALL OTHER FACILITIES,)
REAL ESTATE, LATERALS, INSIDE OR)
OUTSIDE THE CORPORATE BOUNDARIES OF)
SAID CITY AND ALL PERSONAL PROPERTY)
AS SET FORTH HEREIN AND NOW BEING)
OPERATED BY SAID CALVERT INVESTMENTS,)
INC.)

CASE NO. 8936

ORDER

On November 11, 1984, the Commission rescinded its Order of January 3, 1984, which had approved the sale of Calvert Investments, Inc., ("Calvert") to the City of Minor Lane Heights ("City"). The Commission's decision to rescind the original approval of the transfer was based on the City's testimony that it was not financially capable of taking over Calvert and was, therefore, unwilling to consummate the purchase.

On January 22, 1985, a hearing was held as a result of a motion by Calvert to review the issue of the financial ability of the City to purchase the assets of Calvert.

The Attorney General's Consumer Protection Division and the City of South Park View intervened and participated in the hearing.

At the hearing, Calvert and the City stipulated that the City is presently unwilling to purchase Calvert.

According to the ruling in PSC v. City of Southgate, Ky., 268 S.W.2d 19 (1954), one of the factors that must be present for Commission approval of a transfer of utility property is a willing purchaser. Because the city is no longer willing to complete the transfer, one of the requisites for Commission authorization is lacking.

After a review of the record and being advised, the Commission finds that:

1. The City of Minor Lane Heights is unwilling to purchase Calvert Investments, Inc.

2. The approval of the transfer previously given by this Commission in the Order issued January 3, 1984, should be rescinded.

3. The joint application of the City and Calvert for approval of the transfer should be denied.

IT IS THEREFORE ORDERED that the transfer of Calvert Investments, Inc., to the City of Minor Lane Heights be and it hereby is denied.

IT IS FURTHER ORDERED that the Order issued November 11, 1984, rescinding the Order of January 3, 1984, in this case be and it hereby is affirmed.

Done at Frankfort, Kentucky, this 31st day of January, 1985.

PUBLIC SERVICE COMMISSION

Richard D. Hemmery
Chairman

Paul R. D. [unclear]
Vice Chairman

[Signature]
Commissioner

ATTEST:

Secretary

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INDEX OF ORDERS ENTERED FOR: 1-Feb-1985 - 28-Feb-1985

CASE-NBR.	UTILITY NAME	ORDER DATE
8838	ACCESS CHARGES	2/04/85
8838	ACCESS CHARGES	2/15/85
9161	AT&T COMMUNICATIONS	2/20/85
8838	ACCESS CHARGES	2/22/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
9148	BULLOCK PEN WATER DISTRICT	2/06/85
9156	BIG SANDY WATER DISTRICT	2/15/85
9239	BRANDENBURG TELEPHONE COMPANY, INC.	2/15/85
9170	BIG RIVERS ELECTRIC CORP.	2/22/85
9156	BIG SANDY WATER DISTRICT	2/25/85
9156	BIG SANDY WATER DISTRICT	2/27/85
8735 B	B & H GAS COMPANY	2/28/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
9003	COLUMBIA GAS OF KENTUCKY, INC.	2/04/85
9230	CONTINENTAL TELEPHONE COMPANY	2/05/85
8916	CINCINNATI SMSA LIMITED	2/06/85
9003	COLUMBIA GAS OF KENTUCKY, INC.	2/06/85
9223	CINCINNATI BELL TELEPHONE COMPANY	2/07/85
9246	CALLIHAN VS GRAYSON RECC	2/07/85
9204	COMPLAINT AGAINST SHELBY RECC	2/08/85
9240	CANNONSBURG WATER DISTRICT	2/12/85
9223	CINCINNATI BELL TELEPHONE COMPANY	2/14/85
9224	COLUMBIA GAS OF KENTUCKY, INC.	2/14/85
9225	COLUMBIA GAS OF KENTUCKY, INC.	2/14/85
9273	COLUMBIA GAS OF KENTUCKY, INC.	2/15/85
9260	COLUMBIA GAS OF KENTUCKY, INC.	2/20/85
9104	CEDAR CREEK SEWER COMPANY	2/22/85
9230	CONTINENTAL TELEPHONE COMPANY	2/22/85
9130	COGAN COMPANY, INC.	2/28/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
8114 J	EAST KENTUCKY UTILITIES INC.	2/04/85
8114 K	EAST KENTUCKY UTILITIES INC.	2/04/85
9109	EAST KENTUCKY UTILITIES INC.	2/04/85
9159	EAST KENTUCKY UTILITIES INC.	2/04/85
9236	EAST KENTUCKY UTILITIES INC.	2/04/85
9171	EAST KENTUCKY POWER INC.	2/22/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
9102	FERN HILL UTILITIES, INC.	2/05/85
9129	FRIENDLY UTILITIES, INC.	2/22/85
9137	FERN CREEK SEWER COMPANY, INC.	2/28/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
9165	GREEN RIVER ELECTRIC CORP.	2/08/85
9270	GOODLETT VS SALT RIVER RECC	2/12/85
9215	GREEN RIVER ELECTRIC CORP.	2/19/85
9234	GREEN SPRING UTILITIES, INC.	2/27/85

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CASE-NBR.

UTILITY NAME

ORDER DATE

9164

HENDERSON-UNION RECC

2/07/85

9237

HENDERSON COUNTY WATER DISTRICT

2/20/85

9164

HENDERSON-UNION RECC

2/25/85

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CASE-NBR.
9167

UTILITY NAME
JACKSON PURCHASE ELECTRIC CORP.

ORDER DATE
2/05/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
9172	KENTUCKY POWER COMPANY	2/08/85
9173	KENTUCKY UTILITIES COMPANY	2/08/85
9271	KY. UTILITIES & SOUTH KY. RECC	2/21/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
9243	LOUISVILLE GAS & ELECTRIC COMPANY	2/06/85
9243	LOUISVILLE GAS & ELECTRIC COMPANY	2/07/85
9243	LOUISVILLE GAS & ELECTRIC COMPANY	2/12/85
7695 1	LAKE BARKLEY WATER SYSTEM, INC.	2/22/85
9174	LOUISVILLE GAS & ELECTRIC COMPANY	2/22/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
8730 K	MARTIN GAS, INC.	2/12/85
9242	MULTI-PAGE, INC.	2/12/85

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CASE-NBR.
8346

UTILITY NAME
NORTH CENTRAL TELEPHONE CORP.

ORDER DATE
2/15/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
8568	PENDLETON COUNTY WATER DISTRICT & GAS	2/06/85
8186 I	PUBLIC GAS COMPANY	2/12/85
8828	PSC VS CALVERT INVESTMENTS	2/12/85
9268	PECKS PRIVATE WATER LINE MCKINNEY WD	2/12/85
8828	PSC VS CALVERT INVESTMENTS	2/15/85
9199	PULASKI COUNTY WATER DISTRICT NO. 2	2/20/85
9265	PEOPLES RERAL TELEPHONE CORP.	2/21/85
9136	PRAIRIE FACILITIES, INC.	2/28/85
9265	PEOPLES RURAL TELEPHONE CORP.	2/28/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
9203	RICHWOOD DEVELOPMENT CORP.	2/12/85
9264	ROCKDALE DEVELOPMENT CORP.	2/15/85
9264	ROCKDALE DEVELOPMENT COMPANY, INC.	2/28/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
9252	SANITATION DISTRICT NO. 2 MCRACKEN CO.	2/04/85
9160	SOUTH CENTRAL BELL TELEPHONE	2/07/85
9220	SOUTH CENTRAL BELL	2/07/85
9135	STONEBROOK SANITATION COMPANY, INC.	2/08/85
9160	SOUTH CENTRAL BELL TELEPHONE COMPANY	2/08/85
9220	SOUTH CENTRAL BELL	2/14/85
286	SEP. OF BILLS RENDERED BY COMBINED UTIL.	2/15/85
9272	SOUTH CENTRAL BELL TELEPHONE COMPANY	2/15/85
9160	SOUTH CENTRAL BELL TELEPHONE	2/22/85
9135	STONEBROOK SANITATION COMPANY, INC.	2/25/85
9135	STONEBROOK SANITATION COMPANY	2/28/85

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CASE-NBR.	UTILITY NAME	ORDER DATE
9100	TREE-LINE UTILITIES, INC.	2/05/85
8943	TODD COUNTY WATER DISTRICT	2/14/85

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9029	UNION LIGHT, HEAT & POWER COMPANY	2/04/85
9267	UNION LIGHT, HEAT & POWER COMPANY	2/07/85
9175	UNION LIGHT, HEAT & POWER COMPANY	2/08/85
9175	UNION LIGHT, HEAT & POWER COMPANY	2/27/85

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9235	VALLEY WATER WORKS	2/14/85

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9099	WILLOW UTILITIES, INC.	2/06/85
9046	WESTERN KY. GAS VS ORBIT GAS	2/19/85
8839 L	WESTERN KENTUCKY COMPANY	2/22/85
9099	WILLOW CREEK UTILITIES, INC.	2/22/85
9138	WINDSOR FACILITIES, INC.	2/28/85

TOTAL ORDERS ENTERED THIS PERIOD:

90