

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

THE APPLICATION OF BLACK MOUNTAIN )  
UTILITY DISTRICT FOR A CERTIFICATE) CASE NO. 9162  
OF CONVENIENCE AND NECESSITY TO )  
BUILD AND OPERATE A WATER AND )  
SEWER DISTRICT )

O R D E R

On October 12, 1984, Black Mountain Utility District ("Black Mountain") filed its application seeking Commission approval to construct and operate a water district. The application was incomplete and met few of the filing criteria as set out in 807 KAR 5:001, Sections 7 through 10. The Commission held two informal conferences, on November 20, 1984, and March 21, 1985, to try to understand and clarify the true intent of the application. At the March 21 conference, Black Mountain's Bond Counsel indicated that the district had not been properly formed in accordance with KRS 65.810, which was amended by the 1984 General Assembly. Black Mountain is now attempting to seek proper formation of the district before the Harlan County Fiscal Court.

The Commission therefore finds that this case should be dismissed because Black Mountain is not yet officially formed and, as such, the application is premature.

IT IS THEREFORE ORDERED that Black Mountain's application be and it hereby is dismissed without prejudice because it had not been properly formed pursuant to KRS 65.810.

IT IS FURTHER ORDERED that upon proper formation, Black Mountain should refile its application seeking approval to construct and operate its water facilities.

Done at Frankfort, Kentucky, this 22nd day of April, 1985.

PUBLIC SERVICE COMMISSION

*Richard D. Hemmings*  
Chairman

*Paul J. [unclear]*  
Vice Chairman

*Ken Shultz*  
Commissioner

ATTEST:

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Secretary