

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GAINSBORO UTILITIES, INC. )  
FOR THE AUTHORITY TO ACQUIRE THE ASSETS )  
OF NETTLECREEK TREATMENT PLANT, INC., )  
IN JEFFERSON COUNTY, KENTUCKY: AUTHORITY ) CASE NO. 9470  
TO BORROW THE NECESSARY FUNDS TO FINANCE )  
PURCHASE AND A PETITION FOR AN ADJUSTMENT )  
OF THE RATES CHARGED CUSTOMERS )

O R D E R

On April 28, 1986, Gainsboro Utilities, Inc., ("Gainsboro") filed a motion in response to the Commission's Order entered April 18, 1986, requesting (1) rehearing of that portion of the Order granting the motion of the Consumer Advocacy Groups ("CAG") to incorporate by reference the record in Case No. 8126, An Adjustment of Rates of Nettlecreek Treatment Plant, Inc.; and (2) an extension of time from April 25, 1986, until May 9, 1986, to provide the documents required by the Order.

Gainsboro's request for rehearing states that the Order is based on a finding that Gainsboro did not object to the incorporation by reference of Case No. 8126 but that an objection was raised at the hearing on April 9, 1986. The Commission has reviewed the record and finds that while the CAG's April 11, 1986, motion to incorporate Case No. 8126 states that no objections were raised, the transcript of evidence reveals that Gainsboro did object at the hearing. The grounds for objection were that Case No. 8126 involved a prior owner and the present owners had no

involvement in that proceeding. The Commission finds that this objection lacks merit. The findings of fact and conclusions of law set forth in Case No. 8126 continue in effect for this utility pursuant to KRS 278.390 until revoked or modified by the Commission. The Commission's Orders are public records; they cannot be defeated or avoided by a utility's transfer of its stock or assets. A transferee is imputed with knowledge of the contents of such Orders. Gainsboro's request for rehearing should be denied.

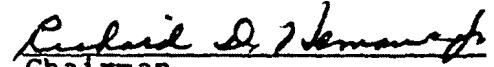
Gainsboro further moved for a 2-week extension of time to provide the required 1985 monthly bills for sludge hauling and utility services due to "conflicts in scheduling." No explanation of the nature of the conflicts was provided. Based on a review of the record, the Commission finds that the documents to be provided have not been shown to be so burdensome as to require a 2-week extension and that their timely receipt was contemplated in establishing the existing briefing schedule. Therefore, Gainsboro should be granted a 10-day extension until May 5, 1986.

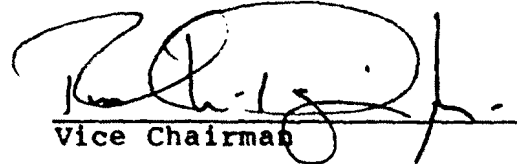
IT IS THEREFORE ORDERED that:

1. Gainsboro's motion for rehearing be and it hereby is denied.
2. Gainsboro's motion for an extension of time to provide required documents be and it hereby is partially granted to the extent that Gainsboro shall file the documents with the Commission, and each party of record, by May 5, 1986.

Done at Frankfort, Kentucky, this 2nd day of May, 1986.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Secretary