

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF ROBERT P. TRIMBLE TO)
TRANSFER THE LAND, AND PHYSICAL ASSETS)
OF THE THELMA ACTIVITIES SEWAGE) CASE NO. 10282
TREATMENT SYSTEMS IN JOHNSON COUNTY,)
KENTUCKY, TO BILLY ROBERT KING)

O R D E R

On June 6, 1988, Robert P. Trimble and Billy Robert King jointly filed an application requesting Commission approval of the transfer of the Thelma Activities' sewage treatment plant from Mr. Trimble to Mr. King. To buttress this application, Mr. Trimble, on July 13, 1988, filed a written statement attesting to Mr. King's managerial, financial, and technical abilities to operate the plant.

Since that time, Mr. King has informally requested that the Commission postpone any action on his application. In a telephone conversation with Commission Staff on August 4, 1988, he stated that he recently learned of outstanding fines levied against the treatment plant by the Natural Resources and Environmental Protection Cabinet and, therefore, was reconsidering his acquisition of the plant. Despite several requests to Mr. King from Commission Staff to place his request in writing, no written request from Mr. King has been forthcoming.

In the absence of any written request from Mr. King, the Commission will proceed to rule on the merits of his application.

KRS 278.020(4) requires that any transfer of ownership or control of a utility be approved by the Commission. The Commission shall grant its approval if the person acquiring the utility has the financial, technical, and managerial abilities to provide reasonable service.

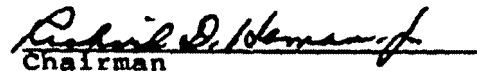
Other than Mr. Trimble's assertion that Mr. King possesses these abilities, the record of this case is devoid of any evidence on this point. It contains no information on Mr. King's existing financial condition or his managerial experience or training. As to his technical abilities, the record shows that Mr. King does have some training and work experience with the operation of sewage treatment plants. He does not, however, hold an operator's certificate from the Kentucky Board of Certification of Waste System Operators, nor does he employ anyone who does. Current state law requires that a sewage treatment plant be operated under the supervision of a certified plant operator. 401 KAR 5:010, Section 2(1).

After review of the evidence of record and being advised, the Commission finds that Mr. King has failed to show that he possesses the requisite abilities to provide reasonable utility service and that his application should, therefore, be denied.

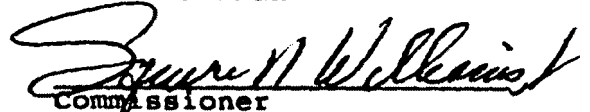
BE IT SO ORDERED.

Done at Frankfort, Kentucky, this 28th day of October, 1988.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director