

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF HARDIN COUNTY WATER)	
DISTRICT NO. 1, A WATER DISTRICT ORGANIZED))	
PURSUANT TO CHAPTER 74 OF THE KENTUCKY)	
REVISED STATUTES, IN HARDIN COUNTY,)	
KENTUCKY, FOR (1) A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY AUTHORIZING AND)	
PERMITTING SAID WATER DISTRICT TO)	CASE NO.
CONSTRUCT WATER STORAGE AND DISTRIBUTION)	10189
SYSTEM IMPROVEMENTS, CONSISTING OF)	
ELEVATED STORAGE TANKS, AND WATER TRANS-)	
MISSION LINES (THE PROJECT); (2) APPROVAL)	
OF THE PROPOSED PLAN OF FINANCING OF SAID)	
PROJECT; AND (3) APPROVAL OF INCREASED)	
WATER RATES PROPOSED TO BE CHARGED BY THE)	
DISTRICT TO ITS RETAIL AND WHOLESALE)	
CUSTOMERS)	

ORDER

On April 10, 1989, Joseph G. Janes moved for dismissal of this proceeding in its entirety due to the alleged failure of Hardin County Water District No. 1 ("Hardin County No. 1") to comply with the established procedural schedule.

At the outset, the Commission must express its bewilderment at Janes's motion, which it is noted was not supported by the other intervenors. In support of the motion, Janes claims that Hardin County No. 1 failed to comply with the procedural schedule; however, Janes cites no specific failure and addresses only totally irrelevant matters. In his only reference to Hardin County No. 1's alleged failures, he states that "a roll call of the parties to the case will be sufficient to establish the District's failure to comply with the procedural schedule." The

Commission is unable to grasp the meaning or significance of this statement. Any party requesting relief from the Commission must clearly articulate the reasons upon which he bases his entitlement to such relief. Janes has not done so. Accordingly, the requested relief should be denied.

Even if Janes's motion set forth specific facts to support his allegation, the Commission would be reluctant to grant it. Janes remained silent when the Commission had time available to redress his alleged grievances. Three months passed between the adoption of the procedural schedule and Janes's motion. During that time, Hardin County No. 1 filed its testimony, engineering material and responses to information requests. The record is absent of any written motion, complaint or protest by Janes concerning these filings. Only on the eve of the hearing, when no time remained to correct alleged deficiencies in these filings, did Janes submit his motion. The law aids the vigilant, not those who sleep on their rights.

For the reasons stated herein, the Commission is of the opinion and finds that Janes's motion to dismiss this proceeding in its entirety should be denied.


BE IT SO ORDERED.

Done at Frankfort, Kentucky, this 1st day of May, 1989.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director