

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF EQUITABLE GAS COMPANY, )  
A DIVISION OF EQUITABLE RESOURCES, INC., ) CASE NO. 89-286  
FOR AN ADJUSTMENT OF RATES )

O R D E R

Equitable Gas Company ("Equitable"), a Division of Equitable Resources, Inc., filed its notice of intent to file an application for an increase in rates on October 2, 1989; Equitable's application was subsequently filed on November 29, 1989. The effective date of Equitable's increase was December 29, 1989, however, on December 13, 1989, Equitable was notified of certain deficiencies in its application and was asked to cure those deficiencies within a given period of time. On December 27, 1989 and January 2, 1990, Equitable filed information to comply with the legal notice requirements of KRS Chapter 424 and referenced a statement in its application that its Articles of Incorporation were previously filed with the Commission in October of 1984.

The Commission, based on a review of Equitable's application and responses of record, hereby finds that the minimum filing requirements as prescribed by statute and regulation have not been satisfied. Commission Regulation 807 KAR 5:001, Section 8(3), requires that a corporation file a certified copy of its Articles of Incorporation and all subsequent amendments with its application, and further:

If applicant's Articles of Incorporation and amendments thereto, if any, have already been filed with the Commission in some prior proceeding it will be sufficient if this fact is stated in the application and reference is made to the style and case number of the prior proceeding. (emphasis added)

Equitable's Articles of Incorporation have not been filed in any prior proceeding before this Commission; therefore, Equitable's reference that its restated "Articles of Incorporation as amended and filed with the Secretary of the Commonwealth of Kentucky on July 31, 1984 is incorporated by reference" is insufficient to satisfy the requirement of this administrative regulation. As a result of this filing deficiency, the Commission is unable to process Equitable's application and the 30-day notice period established by KRS 278.180(1) will not commence to run until the rate filing deficiency noted above is cured.

IT IS THEREFORE ORDERED that:

1. Equitable's application shall be held in abeyance until the filing deficiency noted herein is cured.
2. The time limitation set forth in KRS 278.180(1) shall not commence until the requirements of 807 KAR 5:001, Section 8, have been met.

Done at Frankfort, Kentucky, this 2nd day of February, 1990.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director