

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF APPALACHIAN)
WASTE CONTROL, INC., FOR AUTHORITY)
TO ACQUIRE AND OPERATE THE SEWAGE)
TREATMENT PLANT LOCATED AT THE) CASE NO. 10141
RICHMOND HILLS ESTATE SUBDIVISION,)
JOHNSON COUNTY, KENTUCKY AND FOR)
APPROVAL OF RATES THEREFOR)

O R D E R

On January 25, 1988, Appalachian Waste Control, Inc. ("Appalachian") applied for a Certificate of Public Convenience and Necessity to operate the Richmond Hills Estate Subdivision sewage treatment plant ("Richmond Hills"); for approval of the transfer of ownership of that plant from First Commonwealth Bank of Prestonsburg to Appalachian; and for approval of initial rates for service. On June 6, 1988, First Commonwealth Bank filed a motion to intervene in this proceeding and an application proposing to transfer legal title of Richmond Hills to Appalachian. First Commonwealth Bank was granted leave to intervene by Commission Order dated June 16, 1988.

By Order issued on January 2, 1991, the Commission found that the corporate charter of Appalachian had been administratively dissolved by the Kentucky Secretary of State and that the Paradise Valley sewage treatment plant, a sewage treatment facility currently owned and operated by Appalachian, was out of compliance with Commission regulations. The Commission, therefore, found

that Appalachian did not have the managerial ability to provide reasonable service at that time to the customers of Richmond Hills, and that the dissolution of the corporate charter made the transfer to the corporation impossible. The Commission ordered that Appalachian's application for authority to acquire and operate Richmond Hills and for approval of rates be denied without prejudice, and that the application of First Commonwealth Bank to transfer title of Richmond Hills to Appalachian be denied without prejudice.

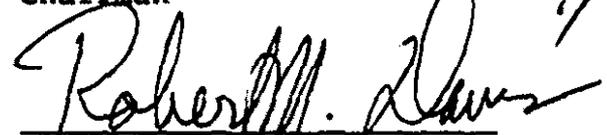
On January 22, 1991, First Commonwealth Bank filed a petition for rehearing. In that petition, and in documents filed subsequent to the petition, First Commonwealth Bank provided information indicating that Appalachian's corporate charter has been reinstated by the Secretary of State. In addition, a reinspection by Commission Staff of the Paradise Valley sewage treatment plant on January 8, 1991, and the subsequent report of that reinspection dated January 10, 1991, indicate that Appalachian has brought the Paradise Valley plant into compliance with Commission regulations. Consequently, the Commission finds sufficient grounds to grant First Commonwealth Bank's petition for rehearing.

IT IS THEREFORE ORDERED that First Commonwealth Bank's petition for rehearing be and it hereby is granted for the purpose of reconsidering all issues and all relief requested in this action. A public hearing shall be scheduled at a later date if necessary.

Done at Frankfort, Kentucky, this 11th day of February, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director