

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CLYDE P. LUTTRELL, ET AL)	
)	
COMPLAINANTS)	
)	
VS.)	CASE NO. 90-276
)	
PULASKI COUNTY WATER DISTRICT NO. 2)	
)	
DEFENDANT)	

O R D E R

On September 13, 1990, Clyde P. Luttrell and 12 other named individuals ("Complainants") filed a complaint with the Commission against the Pulaski County Water District No. 2 ("Pulaski No. 2"). The Complainants alleged that they were being unfairly penalized by being charged the same rates for water service paid by all other residential customers of Pulaski No. 2. They requested to be recognized as an adversely affected class of customers and permitted to pay only 50 percent of Pulaski No. 2's tariffed rate for the next 30 years. The Complainants' position is based upon the fact that an industrial company, which allegedly contaminated the Complainants' ground water, paid \$68,000 for the extension of Pulaski No. 2's lines to serve the Complainants. The Complainants believe that the \$68,000 provided by the company constituted a "windfall" to Pulaski No. 2, which should be neutralized by a corresponding reduction in rates to the affected customers.

After a discussion of the issues, the Commission in its Order of January 31, 1991 found that the Complainants' allegations were without merit; that the rates prescribed for residential customers in Pulaski No. 2's filed tariff were the fair, just, and reasonable rates for the Complainants as well; that the Complainants submitted no evidence that Pulaski No. 2 violated any Commission statutes or regulations; that the Complainants failed to state a claim upon which the Commission could grant relief; and that a hearing in this matter was not necessary in the public interest or for the protection of substantial rights. The Commission therefore dismissed the complaint without a hearing.

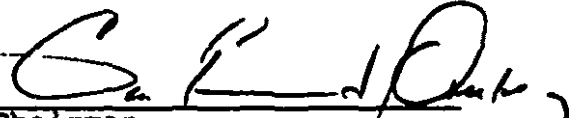
On February 5, 1991, the Commission received a letter from Clyde P. Luttrell requesting, among other things, a public hearing in this matter. Mr. Luttrell was informed by letter from the Commission dated February 6, 1991 that his request for a public hearing would be considered as a motion for rehearing pursuant to KRS 278.400. Subsequently, the Commission received on February 13, 1991 another letter from Mr. Luttrell which again requested the Commission to reconsider its decision and to grant a hearing.


Neither Mr. Luttrell's February 5, 1991 nor February 13, 1991 letter provided any additional evidence to the Commission, either factual or legal, regarding the circumstances of his complaint or the issues involved. After reviewing the information contained in the letters, the Commission finds that, as there is no additional information therein which supplements the record upon which the Commission made its original decision, there is no purpose or merit in granting the Complainants' request for rehearing.


IT IS THEREFORE ORDERED that the Complainants' petition for rehearing be and it hereby is denied.

Done at Frankfort, Kentucky, this 21st day of February, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director