

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ORCHARD GRASS UTILITIES, INC.	)	
d/b/a WILLOW CREEK SEWER SYSTEM	)	
_____	)	
ALLEGED VIOLATION OF	)	CASE NO.
COMMISSION REGULATION 807 KAR 5:071	)	91-011

O R D E R

After receiving two Utility Inspection Reports prepared by Commission Staff which alleged that Orchard Grass Utilities, Inc. ("Orchard Grass") had failed to comply with Commission Regulation 807 KAR 5:071, Section 7, the Commission ordered that utility to show cause why it should not be penalized for its alleged failure. Orchard Grass has responded to the allegations contained in the reports, has stipulated the facts in this matter, and has waived its right to a hearing.

After reviewing the evidence of record and being otherwise sufficiently advised, the Commission finds that:

1. Orchard Grass, a private corporation incorporated in the Commonwealth of Kentucky, owns, operates, and manages the Willow Creek Sewer System ("Willow Creek"), a sewage treatment facility plant in Jefferson County, Kentucky, which treats sewage for the public for compensation. It is a utility subject to the Commission's regulatory jurisdiction. KRS 278.010(3)(f) and 278.040.

2. Commission Regulation 807 KAR 5:071, Section 7(1), requires a sewage utility to maintain and operate its facilities in accordance with accepted good engineering practice.

3. On September 17, 1990, Commission Staff inspected Willow Creek for compliance with Commission regulations.

4. The written report of this inspection accurately reflects Willow Creek's condition on September 17, 1990. Its condition was not in accord with accepted good engineering practice.

5. On December 14, 1990, Commission Staff again inspected Willow Creek for compliance with Commission regulations.

6. The written report of this inspection accurately reflects Willow Creek's condition on December 14, 1990. The noted conditions did not accord with accepted good engineering practice.

7. Orchard Grass violated Commission Regulation 807 KAR 5:071, Section 7, by failing to maintain and operate Willow Creek in accordance with accepted good engineering practice.

8. As of February 1, 1991, Orchard Grass had corrected all of Willow Creek's noted deficiencies. The sewage utility was operating in accordance with accepted good engineering practice.

9. Given Orchard Grass' efforts to correct Willow Creek's deficient condition, no penalty should be assessed against it.

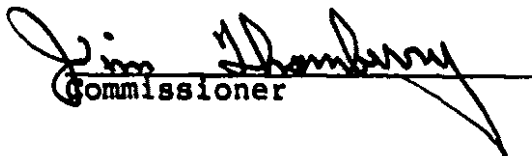
IT IS THEREFORE ORDERED that this case is closed and shall be removed from the Commission's docket.

Done at Frankfort, Kentucky, this 24th day of May, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director