

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION OF BOONE COUNTY WATER AND SEWER DISTRICT))))))))	CASE NO. 91-220
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ALLEGED FAILURE TO COMPLY WITH KRS 278.160(2)))))	

O R D E R

Boone County Water and Sewer District ("Boone District"), a combined water and sewer district, owns and operates facilities in Boone County, Kentucky, for the treatment of sewage, for the public for compensation, and is a public utility. KRS 278.010(3)(f) and 278.015.

KRS 278.160(2) prohibits any public utility from charging, demanding, collecting, or receiving "from any person a greater or less compensation for any service rendered or to be rendered than that prescribed in its filed rate schedules."

On May 16, 1991, Boone District advised the Commission in another proceeding of its collection of \$114,000 in sewer tap-in fees between November 1987 and April 1991.¹ It further advised the Commission that all persons connecting to its Southfork Sewer

¹ Case No. 90-108, Americoal Corporation v. Boone County Water and Sewer District. Boone District's Response to the Commission's Order Of April 26, 1991.

Line were being assessed such fee. Boone District's filed rate schedule does not provide for a sewer tap-in fee nor has the Commission authorized Boone District to assess such fee.

Based on the above, the Commission finds that prima facie evidence exists that Boone District has failed to comply with KRS 278.160(2) and that it should cease charging a sewer tap-in fee.

IT IS THEREFORE ORDERED that:

1. Boone District shall appear before the Commission on September 30, 1991, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky, to show cause why it should not be subject to penalties prescribed by KRS 278.990 for its apparent failure to comply with KRS 278.160(2).

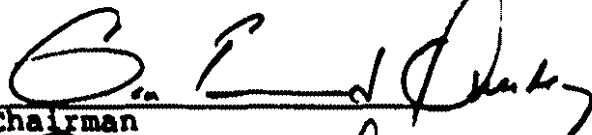
2. Boone District shall immediately cease charging all rates not specifically contained in its filed rate schedules.

3. Boone District shall submit within 20 days of the date of its Order a written response to the allegations concerning its apparent failure to comply with KRS 278.160(2).

4. Within 20 days of the date of this Order, Boone District shall submit to the Commission a schedule showing its monthly revenues from sewer tap-in fees since January 1, 1987. This schedule shall also list the name and address of each customer from which a sewer tap-in fee was collected and the amount of fees collected.

Done at Frankfort, Kentucky, this 5th day of July, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:



Executive Director