

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF PRICE ESTATES)
SUBDIVISION WASTEWATER TREATMENT SYSTEM)
and)
ROBERT TRIMBLE)) CASE NO. 91-071
_____))
ALLEGED VIOLATION OF KRS CHAPTER 278)

O R D E R

On November 26, 1991, the Commission received a letter from the residents of Price Estates Subdivision ("Residents") which requested the Commission join the First National Bank of Paintsville ("First National") as a party to this proceeding. By Order of December 20, 1991, the Commission directed First National to file a response to this request. On December 30, 1991, First National filed a response in which it avers that it is not a proper party to this proceeding.

The residents are correct in the assertion that said Trust Deed required as a condition of transfer of the sewage system approval by a majority of all the owners. However, the Trust Deed additionally provides that the sewage system can also be

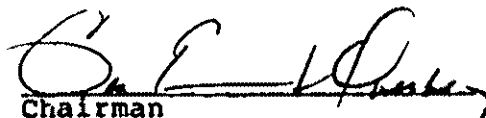
transferred "upon the issuance of a judicial decree requiring such transfer."¹ According to a Settlement Order² included in the Response of First National, the Franklin Circuit Court on August 4, 1981, approved the Deed from the Trustee, the First National Bank of Paintsville, Kentucky, to Thelma Activities, Inc.

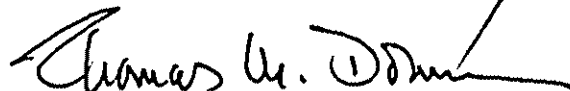
Based upon the foregoing, and being otherwise sufficiently advised, the Commission finds that First National is not an essential or proper party to this proceeding.

IT IS THEREFORE ORDERED that the Residents' request to join First National as a party is denied.

Done at Frankfort, Kentucky, this 9th day of January, 1992.

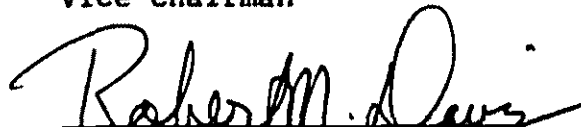
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner

¹ Trust Deed, Page 4, Section 1(a)(2).

² Settlement Order, Department for Natural Resources and Environmental Protection v. Neil Price, Sr.; Neil Price Subdivision, Neil Price Estates, Inc.; and Thelma Activities, Inc., Civil Action No. 80-CI-1622 (1981).