

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF MIDDLE RIDGE)
SUBDIVISION, INC. FOR AN ORDER)
AUTHORIZING GENEVIEVE STEWART D/B/A)
NI-COLE CONSTRUCTION, INC. TO TRANSFER) CASE NO. 93-039
THE SEWAGE TREATMENT FACILITY TO)
APPLICANT AND FOR DETERMINATION OF)
JURISDICTIONAL STATUS)

O R D E R

On February 1, 1993, the Middle Ridge Subdivision, Inc. ("Middle Ridge") filed an application for Commission approval to transfer ownership of a sewage treatment plant owned by Genevieve Stewart d/b/a Ni-Cole Construction, Inc. ("Genevieve Stewart") to Middle Ridge and for a determination of jurisdictional status.

Having reviewed the application and evidence of record and being otherwise sufficiently advised, the Commission finds that:

1. Genevieve Stewart owns and operates a wastewater treatment plant in the Middle Ridge Subdivision of Hazard, Kentucky, and is therefore a "utility" as defined by KRS 278.010(3)(f).

2. Middle Ridge is a nonprofit cooperative corporation. The members of Middle Ridge are the homeowners of all property within the Middle Ridge Subdivision, which is served by the plant to be transferred.

3. A transfer agreement was executed on January 7, 1993, which is contingent upon Commission approval of the transfer.

4. In view of the fact that the applicant's members are the people who are served by the sewage treatment plant and who have the incentive to take all necessary actions to guarantee the maintenance and operation of the facility in accordance with all health, safety and environmental requirements, Middle Ridge has sufficient managerial and technical abilities to ensure the continuity of service.

5. Middle Ridge has the financial, managerial, and technical abilities to provide reasonable utility service to the persons formerly served by Genevieve Stewart.

6. In view of the fact that Middle Ridge will serve only residents located in Middle Ridge Subdivision and will not be treating sewage for the public for compensation, Middle Ridge is not a utility within the meaning of KRS 278.010(3)(f). Accordingly, the facility does not fall under the Commission's jurisdiction at this time.

IT IS THEREFORE ORDERED that:


1. The proposed transfer be and it hereby is approved.
2. Under the present conditions, Middle Ridge is not a utility within the meaning of KRS 278.010(3)(f) and, therefore, will not fall under the Commission's jurisdiction.

Done at Frankfort, Kentucky, this 26th day of March, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director