

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A JOINT APPLICATION OF PENDLETON COUNTY)
FISCAL COURT, EAST PENDLETON WATER) CASE NO. 94-106
DISTRICT AND PENDLETON COUNTY WATER)
DISTRICT FOR A WAIVER OF KRS 278.020(1))

O R D E R

On March 15, 1994, the Commission received a joint application from Pendleton County Fiscal Court ("Fiscal Court"), East Pendleton Water District ("EPWD"), and Pendleton County Water District ("PCWD") for a waiver from the requirement in KRS 278.020(1) that a utility receive a Certificate of Public Convenience and Necessity ("CPCN") from the Commission prior to constructing any plant, equipment, or facility that is not in the ordinary course of business.

The Commission, as an executive branch agency, does not possess the authority to grant deviations from statutory requirements. Furthermore, although neither utility will provide the capital for this proposed construction or increase its rates as a result of the new construction, a CPCN must be obtained before the project is initiated.

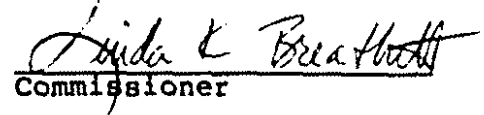
IT IS THEREFORE ORDERED that this application be and hereby is denied and this case is dismissed from the Commission's docket.

Done at Frankfort, Kentucky, this 31st day of March, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director