

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF JOHN ALLEN, TRUSTEE,)	
WITH BURL WELLS SPURLOCK, BETTY H. MINIX)	
AND PATSY WRIGHT, FOR ORDER TO SANCTION)	
CERTAIN CUSTOMERS FOR VIOLATION OF KRS)	
278.485 AND 807 KAR 5:026 FOR RE-)	
CONNECTING EACH CUSTOMERS LINE TO)	CASE NO. 94-279
APPLICANTS FIELD LINES AFTER TERMINATION)	
OF SERVICE APPROVED BY THE COMMISSION;)	
AND FOR AN ORDER TO REQUIRE EACH CUSTOMER)	
TO PERMIT APPLICANTS TO DISCONNECT EACH)	
ILLEGAL TAP; AND FURTHER, FOR AN ORDER)	
PROVIDING THAT EACH CUSTOMER SHALL NOT)	
RE-CONNECT TO APPLICANT'S FIELD LINE)	
EXCEPT WITH FULL COMPLIANCE WITH KRS)	
278.485 AND 807 KAR 5:026)	

O R D E R

On July 21, 1994, John Allen, Trustee filed an application with the Commission requesting show cause proceedings be instituted against certain customers who had allegedly illegally reconnected to pipelines operated by Mr. Allen. This is the second such request by Mr. Allen, the first having been dismissed by Order of the Commission in Case No. 93-296.¹ The Commission dismissed Mr. Allen's request finding that a formal proceeding was not needed.²

On August 26, 1994, Mr. Allen requested rehearing of the Commission's August 10, 1994 Order. In support of his request

¹ Case No. 93-296, The Application of John Allen, Trustee, with Burl Wells Spurlock, Betty H. Minix and Patsy Wright, to discontinue service to certain customers, Order dated September 30, 1993.

² Commission Order dated August 10, 1994.


for rehearing, Mr. Allen states that the Commission's legal and statutory duty is to require compliance with its Orders; the unauthorized reconnections may constitute a safety hazard which can only be abated by the Commission through application of KRS 278.390; the matters at issue require the Commission to exercise responsibility and ensure compliance to its Orders and protect the affected customers and the general public.

After consideration of Mr. Allen's request for rehearing and being otherwise sufficiently advised, the Commission denies rehearing for the following reasons. KRS Chapter 278 confers upon the Commission broad jurisdiction over the rates and services of utilities. Mr. Allen seeks to have the Commission broaden that jurisdiction to include the allegedly illegal activities of a utility's customers. As no authority exists for the Commission to sanction customers who allegedly reconnected illegally, Mr. Allen should seek relief in the civil or criminal courts of the Commonwealth.

IT IS THEREFORE ORDERED that this case be and it hereby is dismissed with prejudice.

Done at Frankfort, Kentucky, this 14th day of September, 1994.

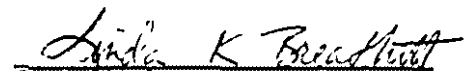
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

ATTEST:


Executive Director


Commissioner