

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

BOBBY DALE MIZE)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 95-470
)	
BARNESBURG WATER ASSOCIATION, INC.)	
)	
DEFENDANT)	

O R D E R

Barnesburg Water Association, Inc. ("Barnesburg") was notified by the Commission on October 27, 1995, that it had been named as the defendant in a formal complaint filed on September 26, 1995, pursuant to 807 KAR 5:001, Section 12. While Barnesburg is not recognized as a utility entitled to file applications with the Commission, and can no longer validly construct, borrow money, or raise rates,¹ until such time as it has completed its merger with South Eastern Water Association, Inc. as ordered by both the Commission and the Franklin Circuit Court, it has a duty to provide continuous and adequate service to its customers.²

¹ Case No. 94-495, The Application of Barnesburg Water Association, Inc., of Pulaski County, Kentucky, For Order Approving Construction Financing, Certificate of Public Convenience and Necessity, and Increased Rates. Final Order dated March 24, 1995.

² By order of the Franklin Circuit Court issued July 31, 1995, in Civil Action No. 92-CI-01151, Public Service Commission of Kentucky v. Barnesburg Water Association, Inc., et al., which compels compliance with the Commission's Order of February 22, 1988, in Case No. 9967, The Proposed Merger of Barnesburg Water Association, Bronston Water Association, Elihu-Rush Branch Water Association, Nelson Valley Water Association, Oak Hill Water Association, Pleasant Hill Water District, Pulaski County Water District No. 1, Pulaski County Water District No. 2, and Tateville Water Association, Barnesburg must complete all legal requirements necessary to effect a merger with South Eastern by November 28, 1995.

Therefore, pursuant to 807 KAR 5:001, Section 12, Barnesburg was ordered to satisfy the matters complained of or to file a written answer to the complaint within 10 days from the date of service of the Order. On November 6, 1995, Barnesburg filed an answer to the Commission's Order in which it alleged, inter alia, to have satisfied the matters about which the Complainant complained. While the Complainant was given the opportunity to respond to Barnesburg's answer, no response has been received. The Commission must therefore assume that Barnesburg did indeed satisfy the matters involved in this complaint.

IT IS HEREBY ORDERED that the complaint in this matter is dismissed without prejudice.

Done at Frankfort, Kentucky, this 13th day of December, 1995.

PUBLIC SERVICE COMMISSION

Chairman

Robert M. Davis

Vice Chairman

Linda K. Brecht

Commissioner

ATTEST:

Don Mills

Executive Director