

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MR. AND MRS. JAMES HOWARD MIZE, JR. )  
 )  
COMPLAINANTS )  
 )  
v. ) CASE NO. 95-468  
 )  
BARNESBURG WATER ASSOCIATION, INC. )  
 )  
DEFENDANT )

O R D E R

On September 26, 1995, Mr. and Mrs. James Howard Mize, Jr. ("Complainants") filed a complaint against Barnesburg Water Association, Inc. ("Barnesburg") concerning their water service and supply. Barnesburg was directed by Order to Satisfy or Answer the Complaint. Although Barnesburg's answer, filed on November 6, 1995, alleged to have satisfied the Complaint, the Complainants informed the Commission that in fact the Complaint had not been satisfied, and requested that the matter be continued. 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,<sup>1</sup> until such time as it has

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<sup>1</sup> 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.

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.<sup>2</sup>

As further proceedings appeared necessary, the Commission on January 25, 1996, scheduled a hearing for March 6, 1996. The Commission also issued a request for data on February 15, 1996, to which Barnesburg responded with a Motion to Delay Hearing. The hearing was delayed until March 20, 1996, on which day the hearing proceeded. At the hearing, Barnesburg was requested to file additional data, in part because the data earlier filed by Barnesburg was of no value. This data was received by the Commission on April 19, 1996.

As the Complainants did not have the data filed by Barnesburg on April 19, 1996, available to them prior to the March 20, 1996, hearing, the Commission finds that the Complainants should be given the opportunity to file comments concerning this data.

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<sup>2</sup> 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.

IT IS THEREFORE ORDERED that the Complainants are given 20 days from the date of this Order to file comments concerning the data filed by Barnesburg on April 19, 1996.

Done at Frankfort, Kentucky, this 29th day of April, 1996.

PUBLIC SERVICE COMMISSION

*Linda K. Breatlett*  
For the Commission

ATTEST:

*Don Mills*  
Executive Director