

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LAKE SHORE WATERWORKS, INC. PETITION FOR )  
ABANDONMENT ) CASE NO. 96-117

O R D E R

On behalf of Lake Shore Waterworks, Inc., Robert Morris, by counsel, petitioned the Commission for permission to abandon the water system owned and operated by Lake Shore Waterworks and for the appointment of a receiver. While the petitioner responded to a data request issued by the Commission on July 19, 1996, additional information is expected to be received in the form of affidavits from Ms. Eleanor Leese of Schereville, Indiana, and Mr. Phillip Morris of Lakeland, Florida. These two individuals, along with Mr. Robert Morris, own Thornburg and Morris Development Company, Inc., which in turn owns Lake Shore Waterworks. Mr. Robert Morris owns 50 percent of the issued and outstanding stock, while Ms. Leese and Mr. Phillip Morris own 25 percent each. The Commission must receive these affidavits in order to assure that at least a majority of the stockholders who own the corporation which owns Lake Shore Waterworks is in agreement with the Petition for Abandonment filed by Mr. Robert Morris.

Nevertheless, as KRS 278.021(1) requires the Commission to hold a hearing to determine that a utility is abandoned before it can petition the Franklin Circuit Court for an order attaching the assets of the utility and placing it under the sole control and

responsibility of a receiver, in the interest of advancing the administrative process the Commission in the meantime will proceed with this matter.

IT IS THEREFORE ORDERED that:

1. A hearing in this matter shall be held on September 26, 1996, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of determining whether the water system in question has been abandoned and the appointment of a receiver to operate these facilities is required.

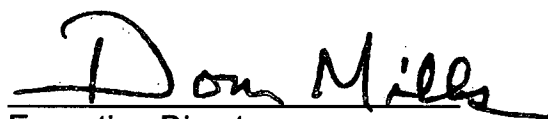
2. Lake Shore Waterworks shall provide the affidavits from Ms. Leese and Mr. Phillip Morris indicating their acquiescence to the filing of the petition for abandonment prior to the hearing. If the affidavits are not returned to the petitioner, some other form of proof indicating that these individuals are not opposed to the abandonment of the water system may be substituted.

Done at Frankfort, Kentucky, this 27th day of August, 1996.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director