

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

RIVER ROAD DISPOSAL SYSTEM )  
 )  
 \_\_\_\_\_ )  
 ) CASE NO. 96-458  
 INVESTIGATION INTO THE )  
 JURISDICTIONAL STATUS OF )  
 SEWAGE TREATMENT FACILITIES )

O R D E R

Commission Staff conducted a field investigation of the sewage treatment facilities operated by the River Road Disposal System ("River Road") on September 13, 1995. In its investigation report, Commission Staff found that Rick Cantrell is the owner of River Road, which is operated by Keith Fairchild. The system has approximately 11 customers. These customers are served by a wastewater treatment system consisting of a 6,000 gallon per day plant and a collection system. Each customer pays \$17.00 per month for sewer service.

All utilities in Kentucky are subject to the jurisdiction of the Public Service Commission pursuant to KRS 278.040. KRS 278.010 defines a utility as:

[A]ny person except a city, who owns, controls, or operates or manages any facility used or to be used for or in connection with:

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(f) The treatment of sewage for the public, for compensation, if the facility is a subdivision treatment plant, located in a county containing a city of the first class or a

sewage treatment facility located in any other county and is not subject to regulation by a metropolitan sewer district.

Based on the Commission Staff's field investigation, the Commission initiated this proceeding for the purpose of determining the jurisdictional status of River Road. A hearing was held in this matter on November 8, 1996. While no one appeared on behalf of River Road, Commission Staff presented evidence regarding it. The evidence presented confirmed that which had been earlier provided to the Commission. The owner of River Road is Rick Cantrell. River Road's treatment plant, constructed in 1969, is an extended aeration facility made by Clow/Aer-O-Flow with a 6,000 gallon per day capacity which serves approximately 11 customers. It is operated by Keith Fairchild, a Class III operator. The plant is located in Van Lear, Kentucky. The receiving stream from the plant is the Levisa Fork of the Big Sandy River. Each customer of River Road is charged a monthly fee of \$17.00 for sewage service.

The Commission thus finds that River Road owns and controls a facility used in connection with the treatment of sewage for the public for compensation, and is therefore a utility pursuant to KRS 278.010(3). As such, River Road is subject to the jurisdiction of the Commission.

IT IS THEREFORE ORDERED that:

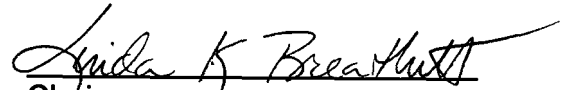
1. River Road is determined to be a utility as defined in KRS 278.010.
2. River Road is subject to the jurisdiction of the Commission pursuant to KRS 278.040(2).

3. Within 30 days of the date of this Order, River Road shall file with the Commission a tariff containing a schedule of its rates, rules and regulations on the sheets provided.

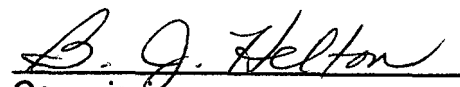
4. In the future, River Road shall file an annual report with the Commission in accordance with 807 KAR 5:006, Section 3.

Done at Frankfort, Kentucky, this 5th day of March, 1997.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director