

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOHN KENNAN

COMPLAINANT

v.

KENTUCKY UTILITIES COMPANY

DEFENDANT

CASE NO. 97-366

ORDER

On August 12, 1997, John R. Kennan filed a complaint against Kentucky Utilities Company ("KU"). Mr. Kennan alleged that the placement of poles and overhead wires in the front yard of his residence, known as the Elisha Warfield House, would severely compromise the integrity and aesthetics of the property. The complaint stated that the Elisha Warfield House was a historic property and that the placement of poles and lines would endanger several one-hundred-year old trees on the property. The Commission ordered KU to respond to the complaint.

KU filed a response and answer on September 5, 1997, which contained an area map marked as Exhibit "A." Exhibit "A" is a map of the complainant's property and shows that KU possesses a utility easement across the front of complainant's property that it may utilize for placement of poles and lines. KU, in its response, states that it will minimize

removal and trimming of trees, but that some adverse effect will occur to trees in the easement area.

An attorney who has filed a response herein now represents Mr. Kennan. This attorney alleges that the placement of poles and lines on this property would be governed by certain federal historic preservation requirements.

KRS Chapter 278 provides the Commission with exclusive jurisdiction over the rates and services of utilities. However, the issues as set out in this case concerning property law are within the exclusive jurisdiction of the courts of the Commonwealth.



After a review of the entire file in this case, and being otherwise sufficiently advised, the Commission finds that the complaint should be dismissed.

IT IS THEREFORE ORDERED that the complaint be and hereby is dismissed for lack of subject matter jurisdiction.

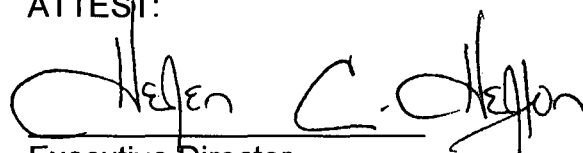
Done at Frankfort, Kentucky, this 17th day of June, 1998.

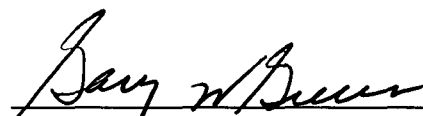
PUBLIC SERVICE COMMISSION


Chairman

 
Vice Chairman

ATTEST:


Executive Director


Commissioner