

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TORO)	
ENERGY, INC. FOR PERMISSION TO)	
INSTALL, OWN, AND OPERATE)	
CERTAIN LANDFILL GAS PIPELINE)	
FACILITIES IN THE STATE OF)	
KENTUCKY AND FOR)	CASE NO. 98-322
AUTHORIZATION TO EXEMPT SUCH)	
FACILITIES FROM BEING REGULATED)	
AS A "UTILITY" UNDER KRS CHAPTER)	
278)	

O R D E R

The above applicant has filed with this Commission seeking permission to install, own, and operate certain landfill gas pipeline facilities in the State of Kentucky, and it appears to the Commission that it will only have one customer, namely General Electric in Louisville, Kentucky.

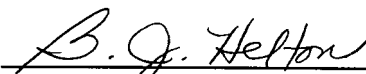
This Commission has held that under the circumstances where only one customer is being served such operations do not constitute a utility as defined in KRS Chapter 278. Accordingly, it appears that this application should be dismissed as the Commission would have no jurisdiction over it.

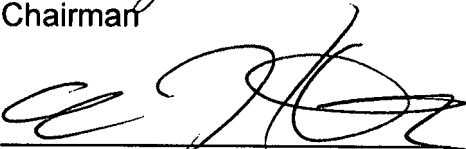
However, the applicant is put on notice that it is required to comply with any and all pipeline safety regulations as an intrastate pipeline over which this Commission has jurisdiction.

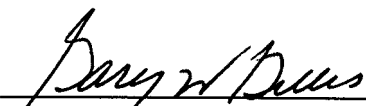
NOW, THEREFORE, IT IS ORDERED that this application be and is hereby dismissed with the admonition that the applicant is required to and shall comply with any and all applicable pipeline safety regulations.

Done at Frankfort, Kentucky, this 15th day of July, 1998.

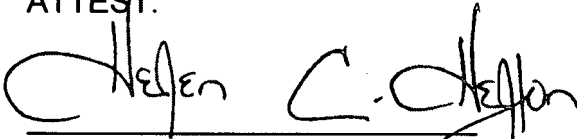
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director