

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DONNA JUSTICE)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 98-307
)	
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

ORDER

On May 27, 1998, Donna Justice (Complainant) filed a formal complaint against Kentucky Utilities Company (KU). The complaint states that the placement of certain KU poles on the north side of East Sixth Street in Maysville, Kentucky, restricts the passable width of the street and has caused the City to pave over existing sidewalks. The Complainant maintains that the safety of Sixth Street residents is endangered because of the narrow width of the street and lack of sidewalks. Mrs. Justice requests that the Commission order KU to move four poles located on the north side East Sixth Street to a more northerly location away from the pavement to allow for widening of the street.

On September 14, 1998, an informal conference was held at the Commission s offices for the purpose of discussing matters at issue in this complaint. At the conclusion of the informal conference, the Complainant agreed to inform Maysville s city commission of the results of the discussion. Specifically, that KU, in accordance with state law, agrees to relocate utility poles within the city s right-of-way for the purpose of widening of Sixth Street

in the event that such action is requested by the city of Maysville.

Following the informal conference, by Order dated September 29, 1998, the complaint was held in abeyance pending a request by the city of Maysville for KU to relocate poles located in the city's right-of-way at Sixth Street. The Order requires the parties to file monthly status reports to inform the Commission of action taken to resolve the complaint.

In accordance with the September 29, 1998 Order, KU submitted a status report on November 6, 1998. The report states that Denis Redmond, City Manager, wrote KU a letter stating that the city was in the process of providing off-street parking along Sixth Street. According to the status report, however, Denis Redmond indicated in a telephone conversation with KU engineer, Chris Haney, that it was not necessary for KU to relocate the facilities in question at this time. By Order dated December 9, 1998, the Commission required KU to verify that the city did not require the facilities to be relocated at this time.

In response to the December 9, 1998 Order, KU submitted a second status report and letter from Denis Redmond to Helen Helton, Executive Director of the Commission. The report and letter verify that the city of Maysville does not require KU to move the facilities at this time but that the city will inform Kentucky Utilities when and if a relocation of the utilities is necessary.

Based upon the information provided to the Commission to date, the complaint will be dismissed. In the event that KU refuses to relocate facilities when requested to do so by the city of Maysville, the Complainant may seek appropriate relief from the Commission by filing a new formal complaint.

IT IS THEREFORE ORDERED that the Justice complaint is dismissed without prejudice.

Done at Frankfort, Kentucky, this 2nd day of February, 1999.

By the Commission

ATTEST:

Executive Director