

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TRANSFER OF MOUNTAIN PARKWAY )  
ECONOMIC DEVELOPMENT AUTHORITY ) CASE NO. 99-053  
TO ELAM UTILITY COMPANY )

O R D E R

On February 3, 1999, a petition was tendered by Mountain Parkway Economic Development Authority ("Mountain Parkway") seeking to authorize the transfer of a natural gas pipeline to Elam Utility Company, Inc. ("Elam"). The pipeline in question is a two-inch line which extends from the Jefferson Gas Transmission Company line to the Whiting Industries Plant, a distance of approximately 17,000 feet. The line is owned by Mountain Parkway and presently serves one industrial customer by contract. Mountain Parkway is not a public utility and, as such, is not within the jurisdiction of the Commission for purposes of KRS 278.020.

However, Elam is a utility subject to the jurisdiction of the Commission. On February 16, 1999, the Commission indicated to Mountain Parkway and Elam that the application was deficient and suggested that Elam, as a jurisdictional utility, should file the application for approval of the transfer.

On March 8, 1999, Elam filed an "Application for the Purchase and Transfer of a Gas Pipeline in Wolfe County, Kentucky." As part of the petition, Elam filed a document containing the terms of the transfer, the purchase price, and an Adoption Notice. The Commission will consider the petition tendered on March 8, 1999 as an amendment to

the prior petition and treat all deficiencies as cured as of March 8, 1999. The terms of the sale require written approval of the transfer by the Commission. However, since the pipeline is non-jurisdictional and a certificate is not required, an Adoption Notice is likewise not required.

The Commission, after reviewing the entire file, and being sufficiently advised, finds as follows:

1. Mountain Parkway is not within the jurisdiction of the Commission and, therefore, no certificate is required under KRS 278.020.
2. Elam is not required to file an Adoption Notice.
3. The sale should be approved to facilitate the transfer.
4. After the sale of the pipeline from Mountain Parkway to Elam, the pipeline will become part of Elam's system and will become jurisdictional to the Commission.

IT IS HEREBY ORDERED that:

1. The transfer of the pipeline from Mountain Parkway to Elam is approved, and Elam shall notify the Commission of the completion of the transfer within 10 days thereof.
2. This case is closed and shall be removed from the Commission's docket.

Done at Frankfort, Kentucky, this 15<sup>th</sup> day of March, 1999.

By the Commission

ATTEST:

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Executive Director