

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF GASCO DISTRIBUTION)	
SYSTEMS, INC. FOR APPROVAL OF A)	CASE NO. 99-501
CERTIFICATE OF CONVENIENCE AND)	
NECESSITY TO CONSTRUCT FACILITIES)	

O R D E R

Gasco Distribution Systems, Inc. ("Gasco"), a local distribution company subject to the Commission's jurisdiction pursuant to KRS 278.040, has applied for a Certificate of Public Convenience and Necessity to construct approximately 31,700 feet of transmission main to provide natural gas service to existing and additional customers in Albany, Kentucky and the surrounding area.

Having reviewed the evidence of record and being otherwise sufficiently advised, the Commission finds that:

1. On December 15, 1999, Gasco applied for a Certificate of Public Convenience and Necessity to construct approximately 31,700 feet of transmission main to provide natural gas service to existing and additional customers in the Albany, Kentucky area.

2. On January 31, 2000, while its application was pending before the Commission, Gasco advised the Commission that construction on the proposed facilities had commenced before its application for a certificate had been filed and that construction of the proposed facilities had been completed as of January 25, 2000.¹

¹ Response of Gasco to Commission's Order, filed January 31, 2000.

3. KRS 278.040(1) prohibits any person, partnership, public or private corporation, or combination thereof from beginning construction of any plant, equipment, property, or facility for furnishing to the public any of the services enumerated in KRS 278.040 until such person has obtained from the Commission a certificate that the public convenience and necessity require such construction.

4. No Certificate of Public Convenience and Necessity may be issued for utility facilities already constructed. Boone County Water and Sewer District, Case No. 92-532 (Ky. P.S.C. December 9, 1993); Southern Madison Water District, Case No. 90-305 (Ky. P.S.C. November 1, 1991).

5. As the proposed facilities have already been constructed, Gasco's application should be denied.

IT IS THEREFORE ORDERED that Gasco's application for a Certificate of Public Convenience and Necessity is denied.

Done at Frankfort, Kentucky, this 21st day of March, 2000.

By the Commission

ATTEST:


Executive Director

