

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOPHIA OSBORNE BRAMBLE)	
)	
COMPLAINANT)	
)	CASE NO.
VS.)	2000-182
)	
DELTA NATURAL GAS COMPANY)	
)	
DEFENDANT)	

O R D E R

On April 14, 2000, Ms. Sophia Osborne Bramble (“Complainant”) filed a complaint with the Commission alleging that she is entitled to free gas from the entity or entities that own a pipeline that crosses her property. Complainant names “Delta National Gas” and “Columbia National Resource” as Defendants, and says that she is entitled to free gas because the Wiser Oil Company (“Wiser”), prior owner of facilities now allegedly owned by Columbia National Resources (“Columbia National”), entered into agreements providing free gas to persons over whose property its pipelines crossed.

Neither Wiser nor Columbia National appears on Commission records as a jurisdictional utility. “Delta Natural Gas Company” (“Delta”) is a gas utility. It is not, however, clear on the face of the complaint whether Delta is alleged to be the entity refusing to provide Complainant with free gas, or whether Complainant alleges an

entitlement to free gas based on KRS 278.485, the “farm tap” statute that confers a right to service upon persons who own property near a gathering pipeline.

Pursuant to 807 KAR 5:001, Section 12(4), the Commission is to examine each complaint submitted to it to ascertain whether it states a prima facie case. The complaint herein does not. Complainant wishes to obtain free gas, but does not specify the entity from which she allegedly is entitled to it. She does not allege that any contract with her, or any tariff provision of any utility, has been breached. KRS 278.160 prohibits any utility from charging any greater or less compensation for its services than that prescribed in its filed tariffs; and while KRS 278.485 entitles certain persons to obtain gas from gathering pipelines, it does not require that they receive such service free of charge.

The Commission having been sufficiently advised, IT IS THEREFORE ORDERED that the complaint be, and it hereby is, dismissed with prejudice and is removed from the Commission’s docket.

Done at Frankfort, Kentucky, this 7th day of June, 2000.

By the Commission

ATTEST:


Executive Director