

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CRESTBROOK PROPERTIES, LLC)	
)	
COMPLAINANT)	
v.)	CASE NO.
)	2001-00202
NORTHERN KENTUCKY WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On June 22, 2001, Crestbrook Properties, LLC (Crestbrook) filed a formal complaint against Northern Kentucky Water District (Northern Kentucky) alleging that Northern Kentucky s cross-connection policy violates KRS 278.170 by establishing an unreasonable difference or classification among residential customers.

Prior to the filing of Crestbrook s complaint with the Commission, Northern Kentucky had filed a complaint against Crestbrook in Kenton County Circuit Court,¹ seeking a court order requiring Crestbrook to follow Northern Kentucky s cross-connection policy. On July 25, 2001, the Kenton County Circuit Court, finding in favor of Northern Kentucky, granted Summary Judgment and ordered Crestbrook to install a backflow-prevention device. This case is currently before the Kentucky Court of Appeals.

The Commission has original jurisdiction over Crestbrook s complaint. KRS 278.040, KRS 278.260. Specifically, the Commission has jurisdiction to determine

¹ Case No. 00-CI-02149.

whether Northern Kentucky's cross-connection policy, or the application thereof, is unreasonably discriminatory pursuant to KRS 278.170. The end result of an order deciding the issue would be whether Crestbrook must install a backflow-prevention device. However, the Kenton County Circuit Court already has ordered Crestbrook to install a backflow-prevention device. In light of this order, we reluctantly conclude that it would be inappropriate to enter a final ruling in this case prior to the determination by the Kentucky Court of Appeals, which currently has the case before it. Crestbrook Properties, LLC v. Northern Kentucky Water District, 2001-CA-001852.

IT IS THEREFORE ORDERED that this case is held in abeyance pending the ruling of the Kentucky Court of Appeals.

Done at Frankfort, Kentucky, this 24th day of March, 2003.

By the Commission

ATTEST:


Executive Director