

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 March 24, 2003, the Commission ordered that this case be held in abeyance pending the outcome of a parallel case involving these two parties in the Kentucky Court of Appeals. In the March 24, 2003 Order, the Commission asserted that it had jurisdiction over the complaint, but that, because the Court of Appeals could conceivably issue an Opinion inconsistent with a Commission Order regarding installation of a backflow prevention device, holding the case in abeyance was the prudent course of action.

Crestbrook Properties, LLC ( Crestbrook ) petitioned the Commission to vacate its decision to hold the case in abeyance and to enter a final Order in this case. Crestbrook asserts that the Commission has the requisite and sole jurisdiction to render a decision.

The Commission does not disagree that it has original jurisdiction over the complaint. KRS 278.040, KRS 278.260. The Commission, however, remains unwilling to issue any Order prior to the ruling by the Court of Appeals in the parallel case.

IT IS THEREFORE ORDERED that Crestbrook s petition is denied.

Done at Frankfort, Kentucky, this 6<sup>th</sup> day of May, 2003.

By the Commission

ATTEST:

  
Executive Director