

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF AIRVIEW	)	
ESTATES, INC. AND ELIZABETHTOWN	)	
UTILITIES, LLC FOR APPROVAL OF	)	CASE NO. 2005-00022
THE TRANSFER OF WASTEWATER	)	
TREATMENT PLANT TO	)	
ELIZABETHTOWN UTILITIES, LLC	)	

O R D E R

On January 7, 2005, Airview Estates, Inc. ("Airview") and Elizabethtown Utilities, LLC ("Elizabethtown") filed a joint application pursuant to KRS 278.020(4) to transfer all assets and wastewater treatment facilities owned by Airview to Elizabethtown. On January 26, 2005, an Order was issued granting the Attorney General, by and through his Office of Rate Intervention, full intervention herein.

Commission Staff issued data requests to the joint applicants on February 7, 2005. A response to the data requests was not timely filed, and, on February 15, 2005, the joint applicants filed an amended joint application. The amendment addressed only one of the data request questions.

Pursuant to KRS 278.020(5), the Commission must approve or reject the application for transfer of a utility within 60 days of an initial application. The deadline for Commission decision in this case is March 8, 2005. KRS 278.020(5) further provides that the date for decision can be extended by the Commission upon a finding of good cause shown.

The Commission finds that good cause exists to continue the application for an additional 60 days. On February 24, 2005, Elizabethtown filed a motion for an extension of time to file a response to Commission Staff's data requests on or before March 1, 2005. As of March 2, 2005, no response has been filed with the Commission. Any response to data requests filed prior to the March 8, 2005 statutory deadline will not allow adequate time for review by the Commission before making its decision to approve or reject the amended joint application.

In addition, Elizabethtown's motion should be denied, but in light of the 60-day continuance, the Commission will set a new date on which a response to data requests must be filed.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. The application is continued for an additional 60 days to and including May 9, 2005.
2. Elizabethtown's motion is denied, but a response to the data requests issued on February 7, 2005 by Commission Staff is due on or before March 10, 2005.

Done at Frankfort, Kentucky, this 4<sup>th</sup> day of March, 2005.

By the Commission

ATTEST:



Executive Director