

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST OF AIRVIEW ESTATES, INC. TO)	
MODIFY CONSTRUCTION SCHEDULE FOR)	CASE NO. 2005-00050
PLANT IMPROVEMENTS FINANCED THROUGH)	
A CUSTOMER SURCHARGE)	

ORDER

In Case No. 2003-00494,¹ the Commission authorized Airview Estates, Inc.'s ("Airview") assessment of a monthly surcharge to finance several critical improvements to its sewage treatment plant and collection facilities. We further specified the improvements for which the surcharge proceeds could be used and the schedule on which the improvements should be made. We directed that Airview's failure to comply with the established time schedule would constitute sufficient grounds for terminating collection of the surcharge and refunding all amounts already collected.

On January 14, 2005, Covered Bridge Utilities, Inc. ("Covered Bridge"), a Kentucky corporation that manages Airview's sewage treatment and collection facilities, submitted on Airview's behalf a written request to modify the terms of the construction schedule. In support of this request, Covered Bridge states that the priority of the required improvements has changed and that the construction schedule should be modified to reflect these changing priorities.

¹ Case No. 2003-00494, Application of Airview Estates, Inc. for an Adjustment of Rates Pursuant to the Alternative Rate Filing Procedure for Small Utilities (Ky. PSC Jun. 14, 2004).

Having reviewed the request, the Commission finds that:

1. A proceeding should be established to consider Airview's request.
2. Covered Bridge should provide documentary evidence, other than its management agreement with Airview, that clearly authorizes it to act on Airview's behalf to request a modification to the Commission's earlier Order.
3. All persons who were parties to Case No. 2003-00494 should be made parties to this proceeding.
4. The portion of the Order of June 14, 2004 that requires Airview to commence repairs in accordance with the construction schedule should be temporarily suspended to allow us adequate time to consider Airview's request.

IT IS THEREFORE ORDERED that:

1. This proceeding is established to consider Airview's request for modifications to the construction schedule established in Case No. 2003-00494.
2. The Attorney General is made a party to this proceeding.
3. Within 15 days of the date of this Order, Covered Bridge shall file a copy of its management agreement with Airview.
4. Within 15 days of the date of this Order, Covered Bridge shall file documentary evidence, other than its management agreement with Airview, that demonstrates that Airview has authorized it to bring its request for modification.
5. The provisions of the Commission's Order of June 14, 2004 in Case No. 2003-00494 that require Airview's compliance with the stated construction schedule are suspended for a period of 45 days from the date of this Order.

Done at Frankfort, Kentucky, this 14th day of February, 2005.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Executive Director

Case No. 2005-00050