

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF NUON GLOBAL)
SOLUTIONS USA, BV, HYDRO STAR, LLC,)
UTILITIES, INC., AND WATER SERVICE)
CORPORATION OF KENTUCKY FOR)
APPROVAL OF AN INDIRECT CHANGE IN) CASE NO. 2005-00323
CONTROL OF A CERTAIN KENTUCKY)
UTILITY PURSUANT TO THE PROVISIONS)
OF KRS 278.020(5) AND (6) AND)
807 KAR 5:001, SECTION 8)

O R D E R

On August 3, 2005, Nuon Global Solutions USA, B.V., Hydro Star, LLC, Utilities, Inc., and Water Service Corporation of Kentucky (jointly "Applicants") filed an application with the Commission requesting approval of an indirect change in control of a certain Kentucky utility pursuant to KRS 278.020(5) and (6) and KAR 5:001, Section 8.

KRS 278.020(6) requires the Commission to consider an application within 60 days of the date of filing unless it is necessary, upon a finding of good cause, to continue the application for an additional 60 days. On August 17, 2005, the Commission entered an Order finding that good cause existed, due to the complex nature of the proposed transaction, to extend the 60-day time limit for review of the pending application an additional 60 days. Additionally, the Commission's Order of August 17, 2005 set forth a procedural schedule in this case which stated: "Applicants shall file responses to initial requests for information no later than September 9, 2005."

Pursuant to the procedural schedule, the Attorney General and Commission Staff issued their respective information requests¹ to Applicants on August 26, 2005. As of the date of this Order, Applicants have failed to file their responses to both sets of information requests which were due on September 9, 2005. The Applicants' failure to timely respond constitutes a violation of our Order of August 17, 2005 and severely limits our ability to review the record and render a timely decision on the proposed transfer.

Therefore, due to the statutory time restriction on the Commission's review of this application and the complex nature of this transaction, the Commission finds that good cause exists to suspend the procedural schedule and to direct the Applicants to show cause why their application should not be dismissed.

IT IS THEREFORE ORDERED that:

1. The procedural schedule issued on August 17, 2005 is suspended.
2. Within 3 working days of their receipt of this Order, Applicants shall show cause, in writing, why the application should not be dismissed.
3. If no response is received from Applicants within the time specified for responding, this case shall be dismissed.

¹ On September 8, 2005, the Attorney General filed a clarification and modification to his request for information originally filed August 25, 2005.

Done at Frankfort, Kentucky, this 3rd day of October, 2005.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director