

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

COURT OF THREE SISTERS, INC.)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2006-00443
)	
NATURAL ENERGY UTILITY)	
CORPORATION)	
)	
DEFENDANT)	

O R D E R

On October 6, 2006, Court of Three Sisters, Inc. ("Complainant") filed a formal complaint against Natural Energy Utility Corporation ("NEUC"). The gravamen of the complaint was that the natural gas pipeline owned by NEUC was not buried at the required depth and would interfere with Complainant's installation of a required drainage system. Pursuant to 807 KAR 5:001, Section 12, NEUC was ordered to satisfy or file a written answer to the complaint. NEUC filed its answer together with several photographs of the area and pipeline in question.

Complainant operates a mobile home park in Boyd County, Kentucky. NEUC is a natural gas distribution company subject to the jurisdiction of the Commission. Complainant is under a directive from the Ashland-Boyd County Health Department to install a catch basin along a roadway to correct a drainage problem. Complainant

alleges that NEUC maintains a natural gas pipeline in the vicinity of the roadway with only 6 inches of cover, in violation of the regulation requiring 36 inches of cover.¹

On October 27, 2006, NEUC filed an answer to the complaint stating that the NEUC line has a minimum cover of 36 inches in accordance with the regulation. NEUC's answer also contained a letter from its President, Harvey J. Freeman, indicating that NEUC employees, when called by Complainant, misidentified an electric conduit buried in the same area as the natural gas line. Mr. Freeman stated that, on October 23, 2006, supervisory personnel of NEUC revisited the site and uncovered NEUC's natural gas line and photographed the pipeline. These photos, submitted by NEUC, indicate that the line is buried at a depth of 36 inches.

807 KAR 5:022, Section 7(15)(a), requires that transmission lines be buried in Class 2, 3, and 4 locations in normal soil to a depth of 30 inches and in drainage ditches of roads to a depth of 36 inches.

In its data requests, Commission Staff asked for information concerning the locations of the proposed catch basin and the natural gas pipeline. Specifically, Complainant was asked to submit any evidence showing the natural gas line to be installed at a depth other than as shown in the NEUC photographs. Complainant answered that it had none.

The Commission finds no evidence that the NEUC natural gas pipeline is buried in violation of 807 KAR 5:022, Section 7(15)(a).

¹ 807 KAR 5:022, Section 7(15)(a), requires that transmission lines be buried in drainage ditches of roads in normal soil to a depth of 36 inches.

IT IS THEREFORE ORDERED that this case is dismissed with prejudice and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 22nd day of December, 2006.

By the Commission

ATTEST:


Executive Director