

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SOUTH SHORE WATER WORKS COMPANY	)	
	)	
COMPLAINANT	)	
	)	
V.	)	CASE NO. 2009-00247
	)	
CITY OF GREENUP, KENTUCKY	)	
	)	
DEFENDANT	)	

ORDER

The Commission, based on a review of the Amended Complaint and the Answer filed thereto, finds that the parties should address the legal issues which are set forth in Appendix A. Once the Commission has reviewed the parties' briefs, it will determine how to proceed with this case.

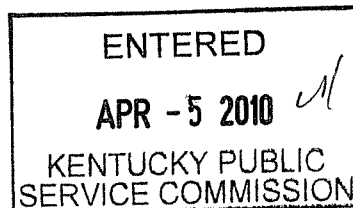
IT IS THEREFORE ORDERED that:

1. Within 30 days of the date of this Order, each party shall file with the Commission a written brief addressing the issues set forth in Appendix A.
2. Within 45 days of the date of this Order, each party may file with the Commission a reply brief.

By the Commission

ATTEST:

  
\_\_\_\_\_  
Executive Director



## APPENDIX A

### APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2009-00247 DATED **APR - 5 2010**

1. In the absence of a written contract or agreement between the City of Greenup and South Shores Water Works Company, does the Public Service Commission have jurisdiction over the subject matter of the Amended Complaint?
2. Does a contract or agreement between a municipal utility and a public utility for the provision of utility service exist when the municipal utility voluntarily engages in regular, periodic transactions for utility service with the public utility without executing a written contract or agreement with that public utility?
3. Does the holding of *City of Greenup v. Public Service Commission*, 182 S.W.3d 535 (Ky.App. 2005), preclude the existence of a contract between a municipal utility and a public utility based upon the municipal utility's issuance of bills to the public utility for water service and its acceptance of payment of such bills if the mayor of the municipality has not executed a written contract on behalf of the city?

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