

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KIRKSVILLE WATER)
ASSOCIATION TO ESTABLISH CERTAIN) CASE NO. 2009-00315
NONRECURRING CHARGES)

ORDER

On July 28, 2009, Kirksville Water Association ("Kirksville") tendered to the Commission its application to establish certain nonrecurring charges. On August 4, 2009, Commission Staff advised Kirksville that its application failed to conform to the requirements of 807 KAR 5:001 and 807 KAR 5:006 and that the application had been rejected for filing and would not be considered filed until the deficiencies were corrected. It requested that Kirksville correct these deficiencies within 15 days.

On August 18, 2009, Kirksville supplemented its initial filing. On October 5, 2009, Commission Staff advised that its supplemental filing had failed to cure the filing deficiencies and that the utility should correct those deficiencies within 15 days. When Kirksville failed to make any additional submission to cure its filing, Commission Staff contacted Kirksville's counsel and was advised that the utility would make a curative filing no later than January 4, 2010.

On January 8, 2010, Kirksville filed additional materials to supplement its original application and cure the noted filing deficiencies. On January 26, 2010, Commission Staff again advised the utility in writing that its submission had failed to cure the noted deficiencies and identified the documents necessary to cure those deficiencies. It

requested that Kirksville submit these documents within 15 days. As of the date of this Order, Kirksville has not responded to Commission Staff's request.

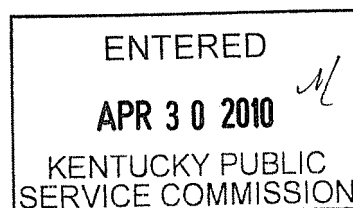
On March 12, 2010, the Commission on its own motion, ordered Kirksville to show cause in writing within 15 days why its application should not be dismissed and this case removed from the Commission's docket because of Kirksville's failure to comply with 807 KAR 5:011, Section 10. As of the date of this Order, Kirksville has not responded to the Order of March 12, 2010.

The Commission finds that, as Kirksville has not corrected the deficiencies in its application and has failed to respond to the Commission's Order to Show Cause, this matter should be dismissed for failure to prosecute.

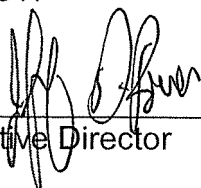
IT IS THEREFORE ORDERED that:

1. This case is dismissed and is removed from the Commission's docket.
2. Subject to the filing of timely petition for rehearing pursuant to KRS 278.400, these proceedings are closed. The Executive Director shall place any future filings in Kirksville's general correspondence file or shall docket the filing as a new proceeding.

By the Commission



ATTEST:



Executive Director

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