

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PROPOSED REVISIONS TO JESSAMINE- )  
SOUTH ELKHORN WATER DISTRICT'S RULES ) CASE NO. 2011-00198  
REGARDING THE PROVISION OF SEWER )  
SERVICE )

ORDER

On May 9, 2011, Jessamine-South Elkhorn Water District ("Jessamine District"), submitted proposed revisions to its rules regarding the provision of sewer service. Under the proposed revisions, an applicant for sewer service from Jessamine District is responsible for obtaining all necessary easements on private land. Jessamine District has advised the Commission of its intention to place the proposed revisions into effect on June 9, 2011.

Commission regulations expressly assign responsibility for the acquisition of easements for utility facilities to the utility. 807 KAR 5:006, Section 5(3), states:

Obtaining easements and rights-of-way necessary to extend service shall be the responsibility of the utility. No utility shall require a prospective customer to obtain easements or rights-of-way on property not owned by the prospective customer as a condition for providing service. The cost of obtaining easements or rights-of-way shall be included in the total per foot cost of an extension, and shall be apportioned among the utility and customer in accordance with the applicable extension administrative regulation.

Jessamine District's proposed revisions clearly conflict with this regulation. While 807 KAR 5:006, Section 27, permits the Commission to authorize deviations from the

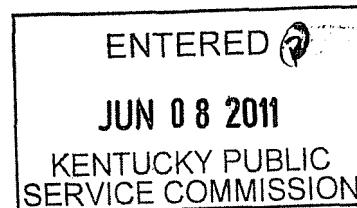
regulation, good cause for such deviation must be shown. Jessamine District has not provided any evidence to suggest that good cause exists for the deviation.

Having reviewed the proposed revisions, we find that further proceedings are necessary to determine their reasonableness, that these proceedings cannot be completed prior to the effective of the proposed revisions, and that the proposed revisions should be suspended pursuant to KRS 278.190(2).

IT IS THEREFORE ORDERED that:

1. This proceeding is established to investigate the reasonableness of the proposed revisions.
2. Jessamine District's proposed revisions to its rules are suspended for five months, from June 9, 2011 up to and including November 8, 2011.

By the Commission



ATTEST

  
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