

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|-------------------------------------|---|------------|
| DONALD R. FULLER |) | |
| |) | |
| COMPLAINANT |) | |
| V. |) | CASE NO. |
| |) | 2015-00266 |
| HARRISON COUNTY SANITATION DISTRICT |) | |
| AS COURT-APPOINTED RECEIVER |) | |
| OPERATING CEDARBROOK TREATMENT |) | |
| PLANT |) | |
| |) | |
| DEFENDANT |) | |

ORDER

On July 20, 2015, Complainant, Donald R. Fuller ("Complainant") tendered a formal complaint to the Commission. Complainant asserted that Harrison County Sanitation District as Court-Appointed Receiver Operating Cedarbrook Treatment Plant ("Harrison Sanitation District") has been charging rates that differ from the rates currently set forth in its tariff.¹ Harrison Sanitation District was ordered to satisfy or answer the complaint within 20 days.

On August 14, 2015, the Commission granted Harrison Sanitation District's request for a ten-day extension of time within which to file its answer to the complaint. Thereafter, on August 24, 2015, Complainant tendered a request to withdraw his complaint. Harrison Sanitation District has not submitted any additional responsive pleadings in this action.

¹ As the court-appointed receiver operating the Cedarbrook Treatment Plant, Harrison Sanitation District is currently operating pursuant to the tariff of R.A. Williams d/b/a Cedarbrook Treatment Plant.

Pursuant to KRS 278.260, the Commission possesses jurisdiction as to rates and service. In a complaint proceeding, the complainant bears the burden of proof.² An action may be dismissed when a complainant fails to introduce evidence or carry his burden of proof.³


Here, Complainant has not presented any evidence in this matter and has requested to withdraw his complaint. This Commission finds that as the Complainant is no longer willing to pursue or interested in prosecuting this matter that his motion to withdraw his complaint should be granted.

IT IS THEREFORE ORDERED that this matter is dismissed without prejudice and is removed from the Commission's docket.

By the Commission

ENTERED
SEP 24 2015
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

² Case No. 2005-00220, *Patricia Conner v. Bellsouth Telecommunications, Inc.* (Ky. PSC May 19, 2006).

³ Case No. 94-010, *Carl Stinson v. Hardin County Water District No. 2* (Ky. PSC May 5, 1994).

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