

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EVERGREEN SEWAGE)	CASE NO.
DISPOSAL, INC., FOR APPROVAL OF TRANSFER)	2016-00290
OF EVERGREEN SEWAGE DISPOSAL SYSTEM)	
TO FARMDALE SANITATION DISTRICT)	

ORDER

On August 8, 2016, Evergreen Sewage Disposal, Inc. (“Evergreen”) tendered a notice of surrender and abandonment of utility property (“Notice”), stating its intent to surrender its wastewater treatment plant in Franklin County, Kentucky, and abandon the operation of its utility.¹ After curing a deficiency by filing an amended application (“Amended Application”),² Evergreen’s Amended Application was accepted for filing as of August 12, 2016.

On September 6, 2016, the Commission entered an Order that initiated an investigation into the request by Evergreen to abandon its utility services and facilities, ordered Evergreen to file responses to information requested in the Appendix of that Order (“Staff’s First Request”), and set a formal hearing date for Wednesday, January 11, 2017.³ Evergreen filed responses to Staff’s First Request on November 22, 2016. Subsequently, an informal conference was held between Commission Staff (“Staff”) and Evergreen on December 15, 2016, at which time Evergreen informed Staff

¹ Notice (filed Aug. 8, 2016) at 1.

² Amended Application (filed Aug. 12, 2016).

³ Order (Ky. PSC Sept. 6, 2016) at 2 and 3.

there was a tentative agreement between Evergreen and Farmdale Sanitation District (“Farmdale”) to transfer ownership of Evergreen’s to Farmdale. On January 6, 2017, Evergreen filed a motion to continue the January 11, 2017 hearing and to amend this case to a petition for a Certificate of Convenience and Necessity to transfer ownership (“Motion”), and to approve the voluntary transfer of ownership of the Evergreen system to Farmdale.⁴

The Commission finds that Evergreen’s Motion should be granted, with this matter to be amended to a request for approval of transfer of the Evergreen system to Farmdale. The hearing on this matter scheduled for January 11, 2017, should be cancelled, to be rescheduled at a later date if necessary.

On its own motion, the Commission finds that the case style for this proceeding should be modified to reflect that Evergreen now requests approval for transfer in the instant case. We find that the following case style shall be placed on this order and each subsequent paper filed in this case: “APPLICATION OF EVERGREEN SEWAGE DISPOSAL, INC. FOR APPROVAL OF TRANSFER OF EVERGREEN SEWAGE DISPOSAL SYSTEM TO FARMDALE SANITATION DISTRICT.”

The Commission finds that KRS 278.020(7) requires any application for approval or authorization for a change in control to be made to the Commission, in writing, verified by oath or affirmation, and in a form containing the information required by the Commission. The Commission finds that KRS 278.020(7) requires Evergreen’s application for approval of a transfer to be verified by oath or affirmation, and that consideration of the request for a transfer should be held in abeyance until Evergreen files a verification of its application into the record. Upon Evergreen’s filing of

⁴ Motion (filed Jan. 6, 2017).

verification into the record, its application for a transfer will meet the Commission's minimum filing requirements applicable for its request.

IT IS THEREFORE ORDERED that:

1. The formal hearing in this matter scheduled for Wednesday, January 11, 2017, at 9:00 a.m. Eastern Standard Time, is cancelled, to be rescheduled at a later date if necessary.

2. Evergreen's request to amend its request to abandon its wastewater treatment plant is granted, and Evergreen's request is now a request for approval to transfer ownership of the Evergreen system to Farmdale.

3. Evergreen and any party to this proceeding shall use the following case style on each subsequent filing in this case. "APPLICATION OF EVERGREEN SEWAGE DISPOSAL, INC. FOR APPROVAL OF TRANSFER OF EVERGREEN SEWAGE DISPOSAL SYSTEM TO FARMDALE SANITATION DISTRICT."

4. Evergreen's request for approval to transfer ownership will be held in abeyance and not considered as filed with the Commission until Evergreen files a verification of its application by oath or affirmation into the record.

By the Commission



ATTEST:


Executive Director

*John B Baughman
Baughman Harp, PLLC Attorneys at Law
401 West Main Street, Suite 1
Frankfort, KENTUCKY 40601

*Evergreen Sewage Disposal System, Inc.
4125 Lawrenceburg Road
Frankfort, KY 40601