

Commonwealth of Kentucky
Before the Public Service Commission

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PUBLIC SERVICE
COMMISSION

In the Matter of:

JOINT VERIFIED APPLICATION OF)
KENTUCKY-AMERICAN WATER)
COMPANY AND OWENTON)

Case No. 2005-00206

ATTORNEY GENERAL'S
NOTICE REGARDING HEARING

WITH

WRITTEN COMMENTS

The Attorney General provides notice that he does not request a public hearing or an informal conference in this matter. While he reserves the right to fully participate in any further proceedings, he does not object to the submission of this matter for a decision based upon the existing record (with the inclusion of his Written Comments).

KRS 278.020 calls for consideration of the impact of the transaction upon the public interest. While the jurisdiction of the Public Service Commission to bind a municipality concerning an exercise of a governmental function is, at best, unclear, the Commission can and should urge Owenton to retain in force those provisions of its current water and sewer ordinance (Ordinance No. 650) that require connections to the sewer lines and that otherwise serve to prevent or abate a nuisance.

Obviously, to the extent that any portion of the ordinance conflicts with the jurisdiction of the Commission, that portion of the ordinance will have no effect upon the commencement of the Commission's regulation of rates and service to these customers. The City, nonetheless, may and should continue to preserve the portions of the Ordinance that are presently protecting the public interest against a nuisance.

WHEREFORE, the Attorney General submits this Notice and these Written Comments.

Respectfully submitted,

GREGORY D. STUMBO
ATTORNEY GENERAL

David Edward Spenard

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Certificate of Service and Filing

Counsel certifies filing of the original and ten photocopies of this pleading by hand delivery to Beth O'Donnell, Executive Director, Public Service Commission, 211 Sower Boulevard, Frankfort, Kentucky 40601; furthermore, service of the filing was by mailing a true and correct of the same, first class postage prepaid, to Lindsey W. Ingram, Jr., Stoll, Keenon & Park, LLP, 300 West Vine Street, Suite 2100, Lexington, Kentucky 40507-1801, all on this 22nd day of July 2005.

David Edward Spenard
Assistant Attorney General