Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Honorable David Edward Spenard
Assistant Attorney General
Office of the Attorney General Utility & Rate Intervention Division
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601-8204

October 3, 2005

RE: Case No. 2005-00323

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

Beth O'Donnell
Executive Director

BOD/jc
Enclosure

Honorable David Edward Spenard
Assistant Attorney General
Office of the Attorney General
Utility & Rate Intervention Division
1024 Capital Center Drive
Suite 200
Frankfort, KY 40601-8204

Honorable Damon R. Talley
Attorney at Law
112 N. Lincoln Blvd.
P. O. Box 150
Hodgenville, KY 42748-0150

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JOINT APPLICATION OF NUON GLOBAL)
SOLUTIONS USA, BV, HYDRO STAR, LLC,)
UTILITIES, INC., AND WATER SERVICE)
CORPORATION OF KENTUCKY FOR)
APPROVAL OF AN INDIRECT CHANGE IN) CASE NO. 2005-00323
CONTROL OF A CERTAIN KENTUCKY)
UTILITY PURSUANT TO THE PROVISIONS)
OF KRS 278.020(5) AND (6) AND)
807 KAR 5:001, SECTION 8)

O R D E R

On August 3, 2005, Nuon Global Solutions USA, B.V., Hydro Star, LLC, Utilities,

Inc., and Water Service Corporation of Kentucky (jointly "Applicants") filed an

application with the Commission requesting approval of an indirect change in control of

a certain Kentucky utility pursuant to KRS 278.020(5) and (6) and KAR 5:001,

Section 8.

KRS 278.020(6) requires the Commission to consider an application within

60 days of the date of filing unless it is necessary, upon a finding of good cause, to

continue the application for an additional 60 days. On August 17, 2005, the

Commission entered an Order finding that good cause existed, due to the complex

nature of the proposed transaction, to extend the 60-day time limit for review of the

pending application an additional 60 days. Additionally, the Commission's Order of

August 17, 2005 set forth a procedural schedule in this case which stated: "Applicants

shall file responses to initial requests for information no later than September 9, 2005."

Pursuant to the procedural schedule, the Attorney General and Commission Staff issued their respective information requests[1] to Applicants on August 26, 2005. As of the date of this Order, Applicants have failed to file their responses to both sets of information requests which were due on September 9, 2005. The Applicants' failure to timely respond constitutes a violation of our Order of August 17, 2005 and severely limits our ability to review the record and render a timely decision on the proposed transfer.

Therefore, due to the statutory time restriction on the Commission's review of this application and the complex nature of this transaction, the Commission finds that good cause exists to suspend the procedural schedule and to direct the Applicants to show cause why their application should not be dismissed.

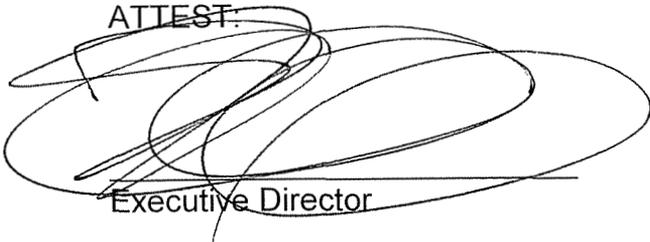IT IS THEREFORE ORDERED that:

1.   The procedural schedule issued on August 17, 2005 is suspended.

2.   Within 3 working days of their receipt of this Order, Applicants shall show cause, in writing, why the application should not be dismissed.

3.   If no response is received from Applicants within the time specified for responding, this case shall be dismissed.

_____

    [1] On September 8, 2005, the Attorney General filed a clarification and modification to his request for information originally filed August 25, 2005.

Done at Frankfort, Kentucky, this 3rd day of October, 2005.

By the Commission

ATTEST:

Executive Director

Case No. 2005-00323