Teresa J. Hill, Secretary Environmental and Public Protection Cabinet

Timothy J. LeDonne Commissioner Department of Public Protection

Adams, Stepner, Woltemann & Dusing 40 W. Pike Street P.O. Box 861 Covington, KY 41012



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

October 22, 2007

Mark David Goss Chairman

John W. Clay Vice Chairman

Caroline Pitt Clark Commissioner

RE: Case No. 2007-00202

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

Sincerely,

Beth O'Donnell Executive Director



Teresa J. Hill, Secretary Environmental and Public Protection Cabinet

Carrollton, KY 41008

Timothy J. LeDonne Commissioner Department of Public Protection

Honorable Ruth H. Baxter Attorney at Law Crawford & Baxter, P.S.C. Attorneys at Law 523 Highland Avenue P. O. Box 353 H OF TO THE PARTY OF THE PARTY

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Timothy J. LeDonne Commissioner Department of Public Protection

Tammy Hendren Secretary Gallatin County Water District 4500 Highway 455 Sparta, KY 41086



Commonwealth of Kentucky

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Teresa J. Hill, Secretary Environmental and Public Protection Cabinet

Warsaw, KY 41095

Timothy J. LeDonne Commissioner Department of Public Protection

Stephen P. Huddleston Huddleston & Huddleston Attorneys At Law 307 West Main Street P.O. Box 807 HH OF COUNTY OF THE PROPERTY O

Commonwealth of Kentucky

Public Service Commission
211 Sower Blvd.

P.O. Box 615
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James L. Smith Manager Carroll County Water District #1 205 Main Cross P. O. Box 350 Ghent, KY 41045



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

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COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CARROLL COUNTY WATER DISTRICT NO. 1)	
COMPLAINANT)	
V. (CASE NO. 2007-00202
GALLATIN COUNTY WATER DISTRICT	
DEFENDANT)	

ORDER

On October 11, 2007, Carroll County Water District No. 1 ("Carroll District") filed a Motion to Show Cause in which it alleges that Gallatin County Water District ("Gallatin District") violated the Commission's Order of August 1, 2007 not to construct any water main extension within Carroll District's territory. Gallatin District responded to the Motion to Show Cause on October 15, 2007.

In its motion, Carroll District seeks an Order holding Gallatin District in contempt of the Commission's Order of August 1, 2007. The Commission, as an administrative agency, is limited to acting within the authority delegated to it by the Legislature.¹ While the Legislature has not provided contempt powers to the Commission, it has authorized the Commission to assess penalties to persons who willfully fail to comply with an Order of the Commission or who procure, aid, or abet a violation by any utility.² Accordingly,

¹ <u>Cincinnati Bell Telephone Co. v. Pub. Serv. Comm'n</u>, 223 S.W.3d 829, 836 (Ky. App. 2007).

² KRS 278.990(1).

the Commission will construe Carroll District's motion as requesting the imposition of civil penalties against Gallatin District for its alleged violation of our Order of August 1, 2007.

IT IS THEREFORE ORDERED that:

- 1. On or before October 29, 2007, Intervenor Whitehorse Development Company shall file a written response regarding the allegations in Carroll District's Motion to Show Cause.
- 2. All parties shall be prepared to address the motion, to include presenting any evidence and argument, at the hearing scheduled for November 1, 2007 at 9:00 a.m., Eastern Daylight Time.

Done at Frankfort, Kentucky, this 22nd day of October, 2007.

By the Commission

ATTEST

xecutive Director