

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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PUBLIC SERVICE  
COMMISSION

In the matter of the petition of:

APPALACHIAN WASTE CONTROL, INC. )  
 )  
 PETITIONER )  
 )  
 vs. )  
 )  
 THELMA WASTE CONTROL, INC. )  
 )  
 RESPONDENT )

CASE NO. \_\_\_\_\_

PETITION TO TRANSFER OWNERSHIP

Appalachian Waste Control, Inc., the Petitioner, (hereinafter "AWC") through its counsel and Temporary Receiver, John B. Baughman, requests and moves the Public Service Commission to enter an order requiring Thelma Waste Control, Inc., the Respondent, (hereinafter "Thelma") to extend its service to six customers who have been served by AWC. In support of the petition, AWC states the following:

1. AWC is a "person" and a "utility" subject to the jurisdiction of the Commission. See KRS 278.010(3)(f) and KRS 278.010(2) respectively. Likewise, Thelma is a "person" and a "utility" subject to the jurisdiction of the Commission. Id. By order of Franklin Circuit Court dated September 10, 2009, Hon. John B. Baughman was appointed Successor Temporary Receiver for AWC. This petition has been filed in conjunction with a separate petition in which AWC seeks an order from the Commission pursuant to KRS 278.020(5) authorizing AWC to cease operating as a utility.

2. AWC and Jeffrey Lance Bowling had operated five waste water treatment plants that were placed into receivership and the operation of the facilities transferred to another utility when the Environmental and Public Protection Cabinet found the plants to be in serious states of disrepair and a danger to the public. After the Cabinet secured grants to upgrade the operations and facilities, the Paintsville Utilities Commission agreed to extend its utility services to the customers of four of the five AWC wastewater treatment plants. Paintsville Utilities has connected those customers to its sewer system and has decommissioned the four AWC plants.
3. The sole remaining AWC plant is Neil Price Waste Water Treatment Plant that provides service for just six customers. On August 11, 2010, the Franklin Circuit Court authorized the Receiver to discontinue billing the customers serviced by the Neil Price plant due to the ineffective treatment of sewage. Paintsville Utilities has declined to accept those additional customers, but the closest waste water treatment plant for them is Thelma Waste #2, which is owned and operated by Thelma.

KRS 278.280(3) provides:

Any person or group of persons may come before the commission and by petition ask that any utility subject to its jurisdiction be compelled to make any reasonable extension. The commission shall hear and determine the reasonableness of the extension, and sustain or deny the petition in whole or in part.

4. The Temporary Receiver has attempted to negotiate a transfer of the six customers to Thelma, but the utility has declined to accept them. Hon. Michael S. Endicott,

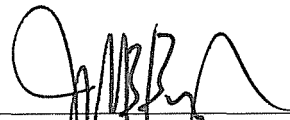
counsel for Thelma, has informed the Temporary Receiver that the utility will oppose efforts to have any additional customers serviced by Thelma Waste #2.

Mr. Endicott, who is the Johnson County Attorney, has also informed the Temporary Receiver that the Johnson County Judge Executive is opposed to the proposed transfer of utility service.

5. The Natural Resources Cabinet, Division of Water, has notified the Temporary Receiver that funding should be available to extend service from Thelma Waste #2 to the six customers of the Neil Price plant, and to upgrade the Thelma Waste #2 facility to accept the additional flow.

WHEREFORE, pursuant to KRS 278.280(3) AWC requests the Commission issue an order requiring Thelma to extend its service to the six additional customers of the Neil Price plant.

Respectfully Submitted,



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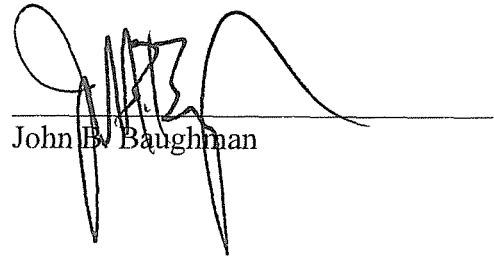
John B. Baughman  
Hazelrigg & Cox, LLP  
415 West Main Street, 1<sup>st</sup> Floor  
P.O. Box 676  
Frankfort, Kentucky 40602-0676  
Counsel for Appalachian Waste Control,  
Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 27<sup>th</sup> day of January, 2012, a true and correct copy of the foregoing was served by first-class mail, postage prepaid, on:

EDWARD THOMASSON  
THELMA WASTE CONTROL, INC.  
PO BOX 327  
THELMA, KY 41260

MICHAEL S. ENDICOTT  
225 COURT STREET  
PO BOX 1287  
PAINTSVILLE KY 41240  
Counsel for Thelma Waste Control, Inc.

  
John B. Baughman