

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AIRVIEW UTILITIES, LLC'S NOTICE	)	
OF SURRENDER AND ABANDONMENT	)	CASE NO. 2016-00207
OF UTILITY PROPERTY	)	

ORDER

On June 16, 2016, Airview Utilities, LLC ("Airview") submitted its notice of surrender and abandonment of utility property ("Notice"). By letter dated June 16, 2016, the Acting Executive Director of the Public Service Commission acknowledged receipt of the initial filing and stated that the matter had been assigned as Case No. 2016-00207.<sup>1</sup>

Pursuant to KRS 278.010(3) and (3)(f), the definition of a utility includes any person, except a regional wastewater commission established pursuant to KRS 65.8905, who owns, controls, operates, or manages any facility used or to be used in connection with the collection, transmission, or treatment of sewage for the public, for compensation and is not subject to regulation by a metropolitan sewer district or any sanitation district created pursuant to KRS Chapter 220. Airview provides the services set forth in KRS 278.010(3)(f), in Hardin County, Kentucky, and is not a regional wastewater commission or subject to regulation by a metropolitan sewer district or any sanitation district created pursuant to KRS Chapter 220. Therefore, Airview is a utility subject to the Commission's jurisdiction.

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<sup>1</sup> Letter from Aaron D. Greenwell, Acting Executive Director, Kentucky Public Service Commission (June 16, 2016).

Per KRS 278.020(6), Airview may not abandon its facilities without prior approval by the Commission. Through an amendment to KRS 278.020, which became effective on April 8, 2016, KRS 278.020(11) now provides:

The commission shall not accept for filing an application requesting authority to abandon facilities that provide services as set forth in KRS 278.010(3)(f) or to cease providing services unless the applicant has provided written notice of the filing to the following:

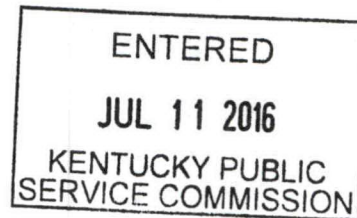
- (a) Kentucky Division of Water;
- (b) Office of the Attorney General; and
- (c) The county judge/executive, mayor, health department, planning and zoning commission, and public sewage service provider of each county and each city in which the utility provides utility service.

Airview, pursuant to KRS 278.020(11), is therefore required to provide written notices to the Kentucky Division of Water, the Office of the Attorney General, and the local officials specified by KRS 278.020(11)(c), in order to request authority to abandon facilities or cease providing service. The Commission finds that Airview's Notice does not address the statutorily required notices set forth in KRS 278.020(11). Because Airview's Notice does not contain evidence that it has provided the written notices, the Commission cannot accept it for filing. We find that Airview should supplement its June 16, 2016 Notice to demonstrate that it has provided all written notices required under KRS 278.020(11). We further find that if Airview has provided the written notices required under KRS 278.020(11), it should file them into the record.

IT IS THEREFORE ORDERED that:

1. Airview's Notice is rejected for filing.
2. Airview shall, within seven days of the date of this Order, supplement its June 16, 2016 Notice to demonstrate that it has complied with KRS 278.020(11).
3. Airview shall, within seven days of the date of this Order, file with the Commission any written notices that it has provided pursuant to KRS 278.020(11).

By the Commission



ATTEST:

  
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Acting Executive Director

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