COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MUHLENBERG COUNTY WATER)
DISTRICT'S NOTICE OF INTENT TO) CASE NO. 2005-00530
FILE A RATE APPLICATION)

ORDER

On December 12, 2005, Muhlenberg County Water District ("Muhlenberg District"), pursuant to Administrative Regulation 807 KAR 5:001, Section 10(2), provided written notice to the Commission of its intent to file a rate application. More than 5 months have passed since Muhlenberg District provided its original notice, but no rate application has yet been filed. The purpose of Administrative Regulation 807 KAR 5:001, Section 10(2), is to ensure prompt and expeditious review of the rate applications of large utilities by allowing the Commission to prepare for immediate review of these applications upon their filing. Permitting long and indeterminate delays between the filing of a notice of intent and the actual filing of the rate application frustrates the purpose of this regulation.

Therefore, the Commission finds that this docket should be closed for lack of prosecution and that Muhlenberg District's notice of intent of filing is insufficient for any future rate application. In the event that Muhlenberg District decides to proceed with the filing of a rate application, such filing should be preceded by a new notice of intent consistent with Administrative Regulation 807 KAR 5:001, Section 10(2).

The Commission further finds that, by our action this day, the Attorney General's motion for intervention in this proceeding is rendered moot and, therefore, should be denied.

IT IS THEREFORE ORDERED that:

1.   Muhlenberg District's notice of intent and this case are dismissed for lack of prosecution.

2.   Muhlenberg District shall comply with Administrative Regulation 807 KAR 5:001, Section 10(2), prior to filing a rate application with the Commission.

3.   The Attorney General's motion for intervention is denied.

Done at Frankfort, Kentucky, this 2nd day of June, 2006.

By the Commission

ATTEST:

Executive Director

Case No. 2005-00530