

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

VANDELLA CAUDILL)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2004-00354
)	
EAST KENTUCKY WASTE CONTROL)	
)	
DEFENDANT)	

ORDER

On September 1, 2004, Vandella Caudill brought a formal complaint against East Kentucky Waste Control¹ in which she alleged that East Kentucky Waste Control was providing unreasonable, unsafe, inadequate and unreliable sewer service to the customers of the Paradise Valley Sewage Treatment Plant. On September 9, 2004, the Commission ordered East Kentucky Waste Control to answer or satisfy the Complaint. Unable to obtain service of its Order upon East Kentucky Waste Control, the Commission took no further action until May 2, 2006 when it directed the Complainant to advise the Commission whether her complaint had been satisfied. On May 15, 2006, the Complainant advised the Commission in writing that her complaint had not been satisfied and that the conditions of which she complained remain.

¹ The Commission's review of the Kentucky Secretary of State's records indicate that no corporate entity known as "East Kentucky Waste Control" is organized in Kentucky. In Case No. 2002-00396, the Commission found that Lance Bowling has been operating several sewage treatment plants under the name of "East Kentucky Waste Control."

Recent developments have required the Commission to review this proceeding. On January 30, 2007, the Commission found that Appalachian Waste Control, Inc. ("Appalachian Waste Control") Keith Fairchild, and Lance Bowling had violated KRS 278.020 by the unauthorized transfer of control of several sewage treatment plants, including the Paradise Valley Sewage Treatment Plant, from Appalachian Waste Control and Mr. Fairchild to Mr. Bowling.² The Commission has declared this purported transfer illegal.

The Commission further found that the sewage treatment plants that Appalachian Waste Control owns and controls, including the Paradise Valley Subdivision Sewage Treatment Plant, are not being operated in accordance with accepted engineering practices.³ It directed Appalachian Waste Control, Mr. Fairchild, and Mr. Bowling to bring these plants into compliance with accepted engineering practices within 60 days.⁴

As the actions that the Commission has directed are precisely the relief that the Complainant has sought in her complaint, the Commission finds that its Order in Case No. 2002-00396 renders the complaint moot and that this proceeding should be dismissed. The Commission notes that, should Appalachian Waste Control, Mr. Fairchild, and Mr. Bowling fail to bring these plants into compliance with accepted

² Case No. 2002-00396, Gary K. Fairchild; Appalachian Waste Control, Inc.; and Lance Bowling d/b/a East Kentucky Waste Control – Alleged Failure To Comply With 807 KAR 5:071, Section 7(1); KRS 278.020(5) and (6); KRS 278.150(2); and KRS 278.160(2) (Ky. PSC Jan. 30, 2007) at 13.

³ Id.

⁴ Id. at 14.

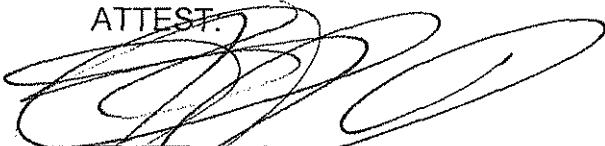
engineering practices within the mandated 60 days, it may seek injunctive relief from Franklin Circuit Court to obtain compliance with its Order.⁵

IT IS THEREFORE ORDERED that Complainant's complaint is dismissed as moot and that this proceeding is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 8th day of February, 2007.

By the Commission

ATTEST.



Executive Director

⁵ See KRS 278.390.