Ernie Fletcher Governor

LaJuana S. Wilcher, Secretary Environmental and Public Protection Cabinet

Christopher L. Lilly Commissioner Department of Public Protection

Mark S. Smith President Mallard Point Disposal Systems, Inc. 118 S. Broadway Georgetown, KY 40324



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

# September 13, 2006

Mark David Goss Chairman

> Teresa J. Hill Vice Chairman

RE: Case No. 2006-00331

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

Sincerely,

Beth O'Donnell Executive Director

BOD/jc Enclosure

KentuckyUnbridledSpirit.com

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#### COMMONWEALTH OF KENTUCKY

### BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF MALLARD POINT DISPOSAL SYSTEMS, INC. TO REVISE NON-RECURRING CHARGES

CASE NO. 2006-00331

### <u>O R D E R</u>

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On June 30, 2006, Mallard Point Disposal Systems, Inc. ("Mallard Point") tendered its application to increase certain non-recurring charges. On July 11, 2006, the Executive Director of the Commission notified Mallard Point by letter that its application was rejected for certain filing deficiencies. On July 17, 2006, the Attorney General of the Commonwealth of Kentucky ("AG") filed a Motion to Intervene With Contingent Motion for Written Comments. On July 21, 2006, Mallard Point tendered its response to cure the deficiencies. The Commission entered an Order on July 31, 2006, finding that Mallard Point's application remained rejected for filing due to non-compliance with the notice provisions found in 807 KAR 5:001, Section 8, and KRS 278.185.

We find that Mallard Point's application continues to be deficient and will be removed from the Commission's docket after 10 days from the date of this Order if the deficiency is not cured or if Mallard Point fails to notify the Commission in writing of its specific plans to cure the deficiency. We further find that removal of this application from the docket will render the AG's outstanding motions moot.

## IT IS THEREFORE ORDERED that:

1. Mallard Point shall cure the deficiency within 10 days of the date of this Order or shall notify the Commission in writing within 10 days of the date of this Order of its specific plans to cure the deficiency.

2. If Mallard Point fails to cure the deficiency or fails to notify the Commission of its specific plans to cure the deficiency within the allotted period, the application shall be removed from the Commission's docket without further Order of the Commission, and the AG's outstanding motions shall be considered moot.

Done at Frankfort, Kentucky, this 13th day of September, 2006.

By the Commission

ATTESI xecutive Director

Case No. 2006-00331

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