

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LISA MICHELLE JACKSON)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2008-00078
)	
APPALACHIAN WASTE CONTROL)	
)	
DEFENDANT)	

O R D E R

On February 29, 2008, Lisa Michelle Jackson filed a complaint against Appalachian Waste Control ("AWC") in which she appears to allege that AWC is not providing proper sewer service.

Ms. Jackson resides in the Neil Price Estates subdivision in Thelma, Kentucky. She is a customer of AWC, a Kentucky corporation that owns five small wastewater treatment plants in Johnson County, Kentucky. The plants provide wastewater collection and treatment service to approximately 90 customers, approximately six of which are located in the Neil Price Estates subdivision and are connected to a small package plant. AWC is subject to Commission jurisdiction.¹

¹ KRS 278.040(2); KRS 278.010(3)(f).

AWC's facilities serving the Neil Price Estates subdivision were the subject of a complaint filed by Glennis Blair on December 4, 2007.² Mr. Blair is also a resident of the Neil Price Estates subdivision and a customer of AWC. He alleged that he should not be required to pay for services that are not available and that he should not be required to pay the same rate as other customers.

After completing a period for discovery in Mr. Blair's case, the Commission held a hearing on April 16, 2008. Mr. Blair presented evidence in an attempt to support his claim that AWC was providing improper and inadequate service to its Neil Price Estates customers. The Commission denied Mr. Blair's complaint on July 21, 2008.

In our Order of March 11, 2009, the Commission stated:

Our review of Ms. Jackson's complaint indicates that the issues and facts that she wishes to present are essentially identical to those that Mr. Blair presented. If that is the case, a hearing in this matter would not be necessary in the public interest or for the protection of substantial rights. Prior to making such a finding, the Commission is of the opinion that Ms. Jackson should be afforded an opportunity to present additional evidence and explain why her complaint should proceed to a hearing. We further find that Appalachian Waste Control should be required to advise the Commission in writing of any changes in its facilities' operation or status since July 21, 2008.

Ms. Jackson has not filed any documents with the Commission since that Order was issued. AWC filed a letter on March 13, 2009 in which it stated that "there have been no changes in the operation and status of its collection and treatment facility that serves Neil Price Estates Subdivision, since July 21, 2008."

² Case No. 2007-00502, *Blair v. Appalachian Waste Control* (Ky. PSC July 21, 2008).

Having reviewed the record and being otherwise sufficiently advised, the Commission finds that:

1. Ms. Jackson has not filed a statement presenting her position on whether there are outstanding issues that were not presented in Case No. 2007-00502, *Blair v. Appalachian Waste Control* (Ky. PSC July 21, 2008), or whether she has additional evidence not previously submitted to the Commission.

2. Ms. Jackson's failure to file a statement is deemed as an admission that the evidence she wishes to present and the issues she wishes to raise are the same as those present in Case No. 2007-00502.

3. A hearing in this matter is not necessary in the public interest or for the protection of substantial rights.

4. No party has indicated that there have been any changes to the facilities of AWC for the Neil Price Estates Subdivision since our final Order in Case No. 2007-00502 that would be detrimental to the service provided by AWC.

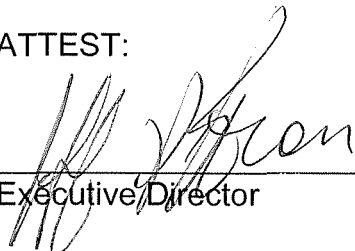
5. The Commission's findings in Case No. 2007-00502 are adopted and incorporated in the record of this case.

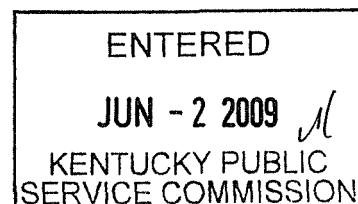
IT IS THEREFORE ORDERED that:

1. The complaint of Ms. Jackson is denied.
2. The case is closed and removed from the Commission's docket.

By the Commission

ATTEST:


Executive Director



Lisa Jackson
14 North Travis Drive
Thelma, KY 41260

Honorable Squire N Williams III
Special Master Commissioner
Franklin Circuit Court
P.O. Box 676
Frankfort, KY 40602-0676