



Opinion ltr file

COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

March 18, 1997

Mr. Lee Don Hensley
Chairman Environmental Task Group
Star Route #25
Sand Gap, Kentucky 40481

Dear Mr. Hensley:

You have inquired whether a utility in Jackson County which is currently regulated by the PSC may enter into a billing arrangement with the Jackson County Fiscal Court for garbage collection fees. You represent that the utility will show the garbage collection fee as a line item on its bill.

The PSC has no problem with the contractual arrangement you describe provided the PSC regulated utility files the contract for approval. At the time of filing the contract, the regulated utility should file a copy of its revised bill format to include with its tariff on file with the PSC.

Current PSC regulations prohibit the disconnection of service for nonpayment of charges for utility service. Thus, the PSC regulated utility may not disconnect a customer's service for nonpayment of the garbage collection fee. The prohibition against disconnections for nonpayment of the garbage collection fee should be included in the regulated utility's tariff.

Please be advised that this opinion is based upon the representations contained in your letter and is not binding on the PSC should this issue come before them in a formal proceeding. If you have any further questions, please let me know.

Sincerely,

Rebecca W. Goodman
Rebecca W. Goodman
Attorney

opinion letter

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JAN 30 1997

GENERAL COUNSEL

Ms Becky Goodman, Attorney
Public Services Commission
P O 615
730 Schenkel Ln
Frankfort Kentucky 40602

Dear Ms Goodman,

Per our telephone conversation today (Jan 29, 97), please send to me your professional legal opinion regarding the following:

Lets assume the Jackson County Fiscal Court adopts and implements a county-wide ordinance mandating the collection and proper disposal of trash, and that a utility currently doing business in Jackson County, and regulated by the PUC, is voluntarily receptive to doing the billing for that service as a separate line item on their invoice. So long as that PUC regulated utility is under contract to Jackson County for invoicing the trash hauling service, please give me your legal opinion regarding this potential arrangement.

I thank you for your time and look forward to your earliest response.

Sincerely yours,

Lee Don Hensley

Lee Don Hensley, Chairman Environmental Task Group
Star Route #25
Sand Gap Ky 40481
Ph: 606-965-2983 Fax: 606 364 5158

PS: Ms Goodman, if time allows, I need your response prior to the next Fiscal Court regular meeting, scheduled for Feb 11 96. Thank you very much/ *Lee Don*