

COMMONWEALTH OF KENTUCKY
BEFORE THE ENERGY REGULATORY COMMISSION

In the Matter of:

THE ENERGY REGULATORY COMMISSION VS.)
EAST KENTUCKY UTILITIES) CASE NO. 7733

O R D E R

On October 15, 1979, the Commission received a complaint letter from Mr. William Bivens, West Prestonsburg, Kentucky, requesting natural gas service from East Kentucky Utilities.

On January 16 and 28, 1980, an on-site inspection was conducted by the Commission's staff. In the resulting staff report, dated February 7, 1980, East Kentucky Utilities was found to be in probable violation of Commission Regulation 807 KAR 50:035, Section 9, Main Extension.

By Order dated May 5, 1980, the matter was set for hearing on the 27th day of May 1980, at 10:00 a.m. Eastern Daylight Time. By Order dated May 19, 1980, the above hearing was rescheduled to June 17, 1980, at 10:00 a.m. Eastern Daylight Time, in the Commission's offices at Frankfort, Kentucky.

The hearing was held as scheduled with representatives for East Kentucky Utilities being the only parties present.

East Kentucky Utilities' officials entered their response to the Commission Order dated May 5, 1980, as their only testimony and then answered all questions presented by the Commission staff.

The Commission, after considering all evidence of record and being fully advised, is of the opinion and finds:

1. That Mr. William Bivens and other individuals in the Middle Creek Area requested natural gas service from East Kentucky Utilities.
2. That the conditions set forth by East Kentucky Utility officials for providing service to these applicants were in contradiction to Commission Regulation 807 KAR 50:035, Section 9.
3. That East Kentucky Utilities' main should be extended in the manner prescribed in Commission Regulation 807 KAR 50:035, Section 9.

4. That all persons requesting gas service under the conditions set forth in Commission Regulation should be provided that service.

5. That East Kentucky Utilities should contact each property owner in the immediate area of Mr. William Bivens residence to determine the number of individuals desiring gas service.

6. That service to those persons determined to still desire service should be provided prior to the upcoming heating season. (October 1, 1980).

7. That approximately 1800 feet of 2" plastic pipe has been installed to provide gas service to Mr. Bryan Derosssett's property and that this piping is within 950 feet of any prospective customers.

8. That the most logical approach to serving Mr. William Bivens and other prospective customers would be to obtain ownership of the above 2" pipe and incorporate it as part of the main extension.

IT IS THEREFORE ORDERED that East Kentucky Utilities be and is hereby directed to provide natural gas service to all individuals requesting service until such time as it can prove to this Commission the inability to serve such customers due to the shortage of natural gas supply.

IT IS FURTHER ORDERED that all new customers shall be provided gas service in accordance with Commission Regulation 807 KAR 50:035, Section 9.

IT IS FURTHER ORDERED that East Kentucky Utilities shall contact each property owner in the immediate area of Mr. William Bivens residence to determine the number of individuals desiring natural gas service and provide service to those interested by October 1, 1980.

Done at Frankfort, Kentucky, this 16th day of July, 1980.

ENERGY REGULATORY COMMISSION

Chairman

Vice Chairman

ATTEST:

Commissioner

Secretary