

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

* * * * *

In the Matter of

ADJUSTMENT OF RATES OF ERI-GEK)
SEWER TREATMENT PLANT UNDER)
KAR 5:076 ALTERNATE RATE ADJUST-) CASE NO. 8649
MENT PROCEDURES FOR SMALL)
UTILITIES)

O R D E R

On December 9, 1982, Garey D. Higdon and Half Moon Apartments Partnership ("Half Moon Apartments"), by counsel, filed its Motion to hold an evidentiary hearing. By letter dated December 10, 1982, the Commission advised Half Moon Apartments that 807 KAR 5:076, Section 7 requires that a Motion for a formal hearing set forth the grounds for the request.

On January 5, 1983, Half Moon Apartments, by counsel, filed a Motion stating that the reason for the request is that movant desires to cross-examine the evidence submitted by Eri-Gek Sewer Treatment Plant ("Eri-Gek") and the opportunity to put on additional evidence based on the examination. The Motion also states that Half Moon Apartments desires to contest the sufficiency of the notice and the veracity of the affidavit relating to the notice.

On January 7, 1983, Eri-Gek, by counsel, filed its Objection to Evidentiary Hearing stating that Half Moon Apartments did not perfect its Motion to hold an evidentiary hearing within the time prescribed in 807 KAR 5:076, Section 7, and requesting that the Motion be denied.

The Commission, having considered the Motion, Objection and being advised, is of the opinion and finds that the Motion of Half Moon Apartments was initially filed within the time prescribed in 807 KAR 5:076, Section 7, although later supplemented, and that the Motion should be sustained.

IT IS THEREFORE ORDERED That the Motion be and it hereby is sustained and this case be and it hereby is set for hearing on February 22, 1983, at 1:00 p.m., Eastern Standard Time, in the Commission's offices at Frankfort, Kentucky.

IT IS FURTHER ORDERED That Eri-Gek shall give notice of the hearing as required by KRS 424.130 by publishing in a newspaper of general circulation in its service area one time not less than seven days nor more than twenty-one days prior to the hearing the purpose, time, date and place of hearing.

Done at Frankfort, Kentucky, this 18th day of January, 1983.

PUBLIC SERVICE COMMISSION



For the Commission

ATTEST:

Secretary