

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ORBIT GAS COMPANY)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 9075
)	
TEXAS AMERICAN ENERGY)	
CORPORATION)	
)	
and)	
)	
NATIONAL PIPELINE COMPANY)	
)	
DEFENDANTS)	

ORDER

On July 12, 1984, Orbit Gas Company ("Orbit") filed a motion for an order directing the defendants, Texas American Energy Corporation ("Texas") and National Pipeline Company ("National"), not to close the sale of a 65 mile gas transmission line. The motion states that the proposed transfer of the pipeline would substantially or completely disrupt Orbit's operation and use of the pipeline.

In its memorandum supporting its motion, Orbit alleges a contractual agreement between the seller, National, and the buyer, Texas, to obtain any necessary governmental approval for the transfer.

However, such a provision in a contract does not confer jurisdiction on the Public Service Commission to approve the sale. Such authority must be found in the governing statutes.

The essence of the motion is a request for a restraining order to halt a transaction that may or may not require Commission review and approval.

The powers of the Commission are limited. There is no authority for the Commission to issue an order directing potential parties to a Commission proceeding to refrain from conduct which may be subject to Commission jurisdiction. For this reason the motion must be denied.

However, to fully resolve the matters raised in the complaint and the motion at issue, the Commission will set this matter for hearing to allow all parties an opportunity to present evidence on the issues raised by Orbit.

Furthermore, because of the likelihood of related issues being involved, a hearing in the matter of Western Kentucky Gas Company v. Orbit Gas Company, Case No. 9046, will be set for the same day.

IT IS THEREFORE ORDERED that:

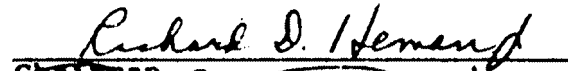
1. Orbit's motion directing defendants not to close the sale of the pipeline is denied;

2. A hearing in this case shall be held on Tuesday, September 11, 1984, at 1:00 P.M., Eastern Daylight Time, in the Commission's offices in Frankfort, Kentucky, for the purpose of receiving testimony from all parties on the issues raised in Orbit's complaint.

3. A hearing in Case No. 9046, Western Kentucky Gas Company v. Orbit Gas Company, shall be held on Tuesday, September 11, 1984, at 9:00 A.M., Eastern Daylight Time, in the Commission's offices in Frankfort, Kentucky, to receive evidence from all parties on the matters raised in Western's complaint.

Done at Frankfort, Kentucky, this 20th day of July, 1984.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary