

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

GERALD GOODLETT AND BETTY GOODLETT,)	
COMPLAINANTS)	
)	
vs.)	CASE NO. 9270
)	
SALT RIVER RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
DEFENDANTS)	

ORDER

On December 12, 1985, Gerald Goodlett and Betty Goodlett ("Goodletts"), complainants, filed a Motion for Additional Findings requesting the Commission to amend its Order entered December 6, 1985, by making two additional findings of fact: 1) that the Goodletts have at all times objected to the Commission's jurisdiction to adjudicate their complaint; and 2) that the Defendant, Salt River Rural Electric Cooperative Corporation ("Salt River"), has "conceded and abandoned any and all rights under the January 20, 1950, easement and can never hereafter make any claim against Plaintiffs or their subject land to enforce the same." The Commission will treat complainants' Motion for Additional Findings as an application for rehearing pursuant to KRS 278.400.

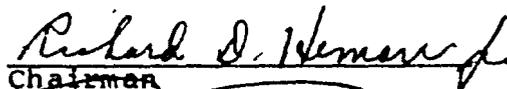
Based on the evidence of record, and being advised, the Commission is of the Opinion and hereby finds that complainants' objections to the Commission's jurisdiction were presented to and overruled by the Circuit Court of Mercer County, Kentucky, in Case No. 84-CI-143. Although the merits of this jurisdictional issue were not before the Commission, the record does indicate that the Goodletts presented a continuing objection to the Commission's jurisdiction to adjudicate their controversy.

The Commission further finds that it is beyond the scope of this complaint proceeding to make any findings of fact as requested by the Goodletts regarding a right-of-way easement granted to Salt River. The question of whether Salt River has abandoned its rights under the subject easement is relevant only to the issue of its enforceability. As the Commission explicitly found in its Order entered December 6, 1985, at page 5, "[T]he enforceability of the easement is an issue which need not be decided...."

IT IS THEREFORE ORDERED that that portion of the Goodletts' application for rehearing requesting the Commission to recognize their jurisdictional objection be and it hereby is granted to the extent of the findings contained herein, and the remaining portion of the application for rehearing be and it hereby is denied.

Done at Frankfort, Kentucky, this 2nd day of January, 1986.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Secretary