

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SANITATION DISTRICT )  
NO. 1 OF SHELBY COUNTY (1) FOR A )  
CERTIFICATE THAT PUBLIC CONVENIENCE AND )  
NECESSITY REQUIRES THE CONSTRUCTION OF ) CASE NO. 9666  
SANITARY SEWER FACILITIES; (2) SEEKING )  
APPROVAL OF THE ISSUANCE OF CERTAIN )  
SECURITIES; AND (3) SEEKING APPROVAL )  
OF SERVICE RATES AND CHARGES )

O R D E R

On July 16, 1987, after a motion by Sanitation District No. 1 of Shelby County, the Commission dismissed this case without prejudice. However, the District was ordered to refile its application for authority to construct new facilities, issue securities to finance such construction, and to adjust service rates and charges.

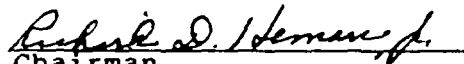
After the District indicated a refusal to refile the application as ordered, an action to enforce the Order was brought in the Franklin Circuit Court. On October 28, 1987, the Court denied the Commission's motion for enforcement, holding that KRS Chapter 220 takes precedence over KRS Chapter 278 to the extent that there exist conflicts between the statutes.

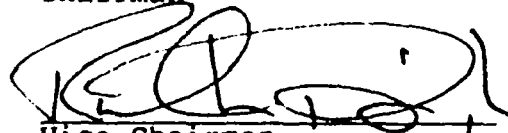
The Commission finds that it is unable to compel Sanitation District No. 1 of Shelby County to seek the approval of this Commission for its proposed construction project. The District is

not required to seek any further approval from this Commission.  
For these reasons this case should be and it hereby is dismissed.

Done at Frankfort, Kentucky, this 3rd day of December, 1987.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Executive Director