

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY PUBLIC SERVICE COMMISSION )  
 )  
 )  
v. ) CASE NO. 9671  
 )  
 )  
HARDIN COUNTY WATER DISTRICT NO. 1 )

O R D E R

On December 1, 1986, Hardin County Water District ("District"), by counsel, filed a Motion to Define the Scope of the Show-Cause Hearing. The District objected to discussion of causation of the standpipe collapse.

The Commission has reviewed the motion and the report submitted by the engineering staff. After careful consideration of the rights of the parties, the duty of the Commission and the public interest, the Commission has determined that the matters contained in the staff report should be included in the hearing. However, the Commission also recognizes that there are certain limitations on its authority to determine liability and to penalize the District. As is stated in KRS 278.990(1):

(1) Any officer, agent or employe of a utility, as defined in KRS 278.010, and any other person who willfully violates any of the provisions of this chapter, or who procures, aids or abets any violation of those provisions by any such utility, shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than six (6) months, or both. If any such utility that is a private corporation violates any of the provisions of

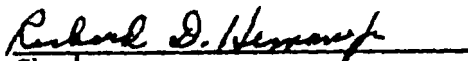
this chapter, or does any act therein prohibited, or fails to perform any duty imposed upon it under those sections for which no penalty has been provided by law, or fails to obey any lawful requirement or order of the public service commission, the utility shall for each offense forfeit and pay to the state treasurer, to be credited to the general fund, a sum not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000). Each act, omission or failure by an officer, agent or other person acting for or employed by a utility and acting within the scope of his employment shall be deemed to be the act, omission or failure of the utility.

After careful consideration, the Commission ORDERS that:

1. The motion is denied;
2. The staff report shall be the subject of the hearing and staff will be available for questioning;
3. The hearing shall be held on April 1, 1987, at 9:00 a.m., Eastern Standard Time, at the Commission's offices, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 22nd day of January, 1987.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

ATTEST:

  
Executive Director

  
Commissioner