

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN ADJUSTMENT OF RATES OF THE MARTIN )  
COUNTY WATER DISTRICT NO. 2 ) CASE NO. 89-155

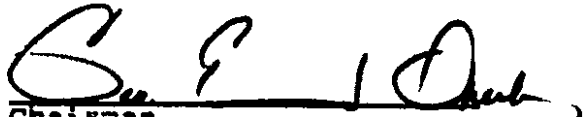
O R D E R

By letter to the Commission received July 28, 1989, Terry Spears of Inez, Martin County, Kentucky, has alleged that Martin County Water District No. 2 ("Martin County 2") has not properly published the notice of its proposed rate increase filed June 7, 1989. Mr. Spears alleges that the newspaper in which Martin County 2 published its notice (1) does not have the largest circulation in Martin County, (2) does not have a second class mailing permit, and (3) has not been published in the area for the immediately preceding 2-year period. If these allegations are true, the published notice given by Martin County 2 would be deficient under KRS 424.120. The allegations, if true, would not necessarily violate 807 KAR 5:011, Section 8. As the above statute, however, controls whenever an advertisement for a publication area is required by law to be published in a newspaper, Martin County 2's compliance only with 807 KAR 5:011, Section 8, would not be sufficient legal notice of the proposed rate increase.

IT IS THEREFORE ORDERED that on or before August 29, 1989, Martin County 2 shall present proof to the Commission that Martin County 2 has begun publication of the proposed rate increase consistent with both KRS 424.120 and 807 KAR 5:011, Section 8.

Done at Frankfort, Kentucky, this 10th day of August, 1989.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Executive Director