

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LOYD J. COLE FOR)
DECLARATION BY PUBLIC SERVICE COMMISSION)
OF ABSENCE OF CONTROL OF ORBIT GAS COMPANY)
AS A RESULT OF ACQUISITION OF CERTAIN) CASE NO. 90-263
SHARES OF ORBIT GAS COMPANY OR IN THE)
ALTERNATIVE FOR APPROVAL OF ACQUISITION)
OF "CONTROL" OF ORBIT GAS COMPANY)

O R D E R

This matter arises upon the August 31, 1990 filing of Loyd J. Cole requesting the Commission issue an Order declaring that his acquisition of an additional 77,013 shares of the common stock of Orbit Gas Company ("Orbit") does not constitute the transfer or acquisition of control of Orbit within the meaning of KRS 278.020; or, in the alternative, that the Commission approve, pursuant to KRS 278.020, the acquisition by applicant of an additional 77,013 shares of the common stock of Orbit, and it appearing to this Commission that a hearing is necessary to allow the applicant to rebut the presumption of control created by KRS 278.020;

IT IS THEREFORE ORDERED that a hearing be and it hereby is scheduled for December 3, 1990 at 1:30 p.m., Eastern Standard Time, in Hearing Room No. 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 15th day of November, 1990.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director