

(b) The Water District be prohibited from constructing the proposed water production well on their property;

(c) The Water District be required to explore alternatives, . . . to expand its water supply;

(d) Their costs herein expanded including a reasonable attorneys' fee; and

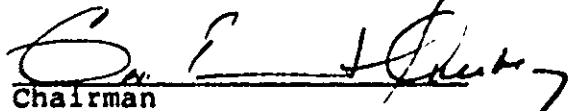
(e) Any and all other relief to which they may be entitled.

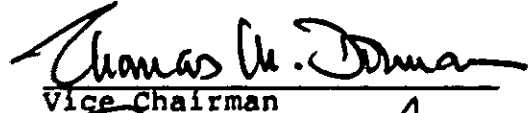
In examining the complaint, the Commission believes that the claim does not fall within the jurisdiction of the Commission. Mr. Smith and Mr. Mattingly's complaint concerns the condemnation of their property by Hardin Water District. The Commission has jurisdiction over complaints as to rates or service of a utility, but possesses no jurisdiction to adjudicate a claim arising out of a condemnation proceeding. Pursuant to KRS 74.090, a water district may condemn needed property in the manner provided in the Eminent Domain Act of Kentucky. KRS 416.540 et seq. The Eminent Domain Act places jurisdiction of condemnation proceedings within the circuit courts. KRS 416.570.

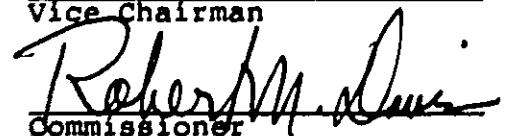
IT IS THEREFORE ORDERED that the complaint of Mr. Smith and Mr. Mattingly is hereby dismissed for lack of jurisdiction.

Done at Frankfort, Kentucky, this 22nd day of October, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director