

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FOREST HILLS DEVELOPERS, INC. )  
 )  
 \_\_\_\_\_ ) CASE NO. 92-095  
 )  
 ALLEGED VIOLATION OF COMMISSION )  
 REGULATION 807 KAR 5:071 )

O R D E R

Forest Hill Developers, Inc. ("Forest Hills") has petitioned for an extension of time to comply with the January 26, 1993 Settlement and has further moved to strike Commission Staff's response to that petition. Having considered both requests, we deny.

The Commission finds nothing within the four corners of the Settlement Agreement to support Forest Hill's motion to strike. The literal language of Paragraph 4 of the Settlement Agreement provides only that Commission Staff will not oppose any request for extension if abnormally wet weather conditions occur. Any waiver of objection is premised upon such weather conditions. Where Commission Staff can argue in good faith that such conditions have not occurred, an argument which National Weather Service records support, Commission Staff's response cannot be considered as inconsistent with the Settlement Agreement.

As to Forest Hills' Petition for Extension, the Commission notes that over 18 months have passed since this proceeding began. Forest Hills has had adequate time to bring its facilities into compliance with Commission regulations. The record does not

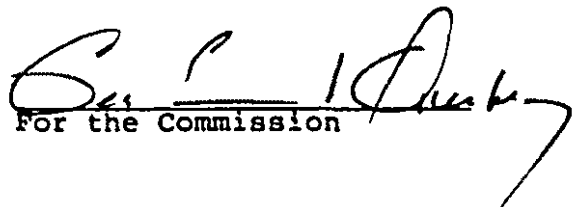
indicate any extenuating circumstances to prevent Forest Hills' compliance. It further indicates that the parties engaged in extensive negotiations to produce the Settlement Agreement which was presented to us. Having freely agreed to a date for compliance, Forest Hills must now accept the consequences for any failure to meet its agreed obligations. Accordingly, the Commission finds that Forest Hills' Petition should be denied.

IT IS THEREFORE ORDERED that:


1. Forest Hills' Motion to Strike is denied.
2. Forest Hills' Petition for Extension is denied.
3. Forest Hills shall appear before the Commission on October 20, 1993, at 10:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of presenting evidence concerning its compliance with the Settlement Agreement of January 26, 1993 and the Commission's Order of February 8, 1993.

Done at Frankfort, Kentucky, this 1st day of October, 1993.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director