

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HENDERSON-UNION RURAL ELECTRIC)	
COOPERATIVE CORPORATION)	
)	
COMPLAINANT)	
)	
VS.)	CASE NO. 92-213
)	
KENTUCKY UTILITIES COMPANY)	
)	
DEFENDANT)	

O R D E R

On May 15, 1992, Henderson-Union Rural Electric Cooperative Corporation ("Henderson-Union") filed a complaint, pursuant to KRS 278.016 to 278.018, alleging that Kentucky Utilities Company, Inc. ("KU") intended to furnish retail electric service to a new electric consuming facility located totally within Henderson-Union's certified territorial boundary. KU denied the allegations set forth in the complaint and the Commission subsequently established procedural dates for discovery, filing prepared testimony, and a hearing.

At the commencement of the hearing on January 20, 1993, Henderson-Union requested the Commission to first rule on Henderson-Union's pending motion regarding the official territorial map in the Commission's files. Specifically, Henderson-Union requested the Commission to disregard the official map that has been on file since 1982 and recognize instead a different map that

Henderson-Union claims was agreed to by KU in 1982 but through mutual mistake not filed with the Commission.

Testimony was presented by Henderson-Union in support of its motion and both parties presented oral argument. The Commission ruled from the bench that the evidence was far short of demonstrating clearly and convincingly that the map in Henderson-Union's possession had been agreed to by KU and to overcome the presumption that the territorial map on file since 1982 was accurate. Henderson-Union then moved to voluntarily dismiss its complaint against KU which motion was granted.


IT IS THEREFORE ORDERED that:

1. Henderson-Union's motion to substitute the territorial map in its possession for the official map on file with the Commission since 1982 be and it hereby is denied.

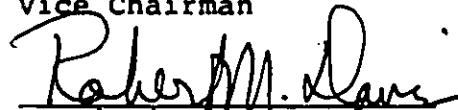
2. Henderson-Union's motion to voluntarily dismiss its complaint against KU be and it hereby is granted with prejudice.

Done at Frankfort, Kentucky, this 5th day of February, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director