

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF BOONE COUNTY WATER)
AND SEWER DISTRICT FOR APPROVAL OF)
A CERTIFICATE OF CONVENIENCE AND) CASE NO. 92-532
NECESSITY TO CONSTRUCT SANITARY)
SEWER FACILITIES)
)

O R D E R

Boone County Water and Sewer District ("Boone District"), a combined water and sewer district, has applied for a Certificate of Public Convenience and Necessity to construct certain sanitary sewer facilities to serve the Richwood, Taylorsport, Gunpowder, Sand Run, and Elijah Creek areas of Boone County, Kentucky. According to Boone District's application, Sanitation District No. 1 of Campbell and Kenton Counties ("Sanitation District No. 1") was to construct these facilities for Boone District.

KRS 278.020(1) prohibits any person, partnership, public, or private corporation from beginning construction of any plant, equipment, property, or facility for furnishing to the public any of the services enumerated in KRS 278.010 until such person has obtained from the Commission a certificate that public convenience and necessity require such construction.

On December 29, 1992, after the submission of its application for a Certificate, Boone District advised the Commission that Sanitation District No. 1 had already commenced construction on the proposed sanitary sewer facilities in accordance with an agreement

between Boone District and Sanitation District No. 1. Construction of the facilities has continued throughout the pendency of this proceeding.

This Commission has previously held that no Certificate of Public Convenience and Necessity should be issued for utility facilities already constructed. Application of Southern Madison Water District for Certificate of Convenience and Necessity to Construct Storage Facilities, Case No. 90-305 (Ky. P.S.C. Nov. 1, 1991).

Having reviewed the evidence of record, the Commission finds that the holding of Southern Madison is applicable and that Boone District's application should be denied.


IT IS THEREFORE ORDERED that Boone District's Application for a Certificate of Public Convenience and Necessity is denied.

Done at Frankfort, Kentucky, this 9th day of December, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director