

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CHRISTIAN COUNTY WATER DISTRICT)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 93-376
)	
SOUTH HOPKINS WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On October 7, 1993, Christian County Water District ("Christian County") filed a complaint against South Hopkins Water District ("South Hopkins") alleging that South Hopkins is serving two of Christian County's customers in contravention of the Commission's final Order in Case No. 90-220.¹

In its answer filed October 28, 1993, South Hopkins asserted it is not serving the two customers, Bob Hamby and Wayne Hamby, in contravention of Case No. 90-220 because it believes Bob Hamby owns property in Hopkins County and it is upon this property that the two brothers' meters are located. Wayne Hamby owns no property in Hopkins or Christian counties and is merely a resident on property owned by Bob Hamby. South Hopkins also denied that Christian County was able to serve these two customers because its lines do

¹ Case No. 90-220, Christian County Water District's Proposed Extension to Collins Bridge Road and the Provision of Service to Certain Customers Who are Currently Served by South Hopkins Water District.

not abut upon Bob Hamby's property and it does not possess an easement to cross the property separating its water lines from Bob Hamby's property. Under the Order in Case No. 90-220, South Hopkins must serve these customers until Christian County is able to do so.

At an informal conference between the parties and Commission Staff held November 23, 1993, Christian County asserted its lines are, in fact, in position to serve the two Hamby brothers. Furthermore, Christian County notified both Hamby brothers and South Hopkins of this fact in May 1993. There were originally nine customers living in Christian County who were served by South Hopkins. Pursuant to the Commission's Order, all but Kenneth McKnight were to be served by Christian County when practicable. All these customers, except Bob Hamby and Wayne Hamby, are now being served by Christian County.

Apparently, Bob Hamby and Wayne Hamby moved their meters from Bob Hamby's property in Christian County to another brother's property in Hopkins County. Odell Hamby conveyed the portion of his property housing these two meters to Bob Hamby on September 17, 1993. It appears that Bob Hamby and Wayne Hamby are attempting to circumvent the Commission's Order in Case No. 90-220 by procuring property in the area served by South Hopkins so they can continue to be served by South Hopkins.

The Commission finds that Bob Hamby and Wayne Hamby live in residences located within Christian County's service area and that merely relocating their meters to property located in an area

served by South Hopkins does not relieve them of the requirement they be served by Christian County as set out in the Commission's final Order in Case No. 90-220.

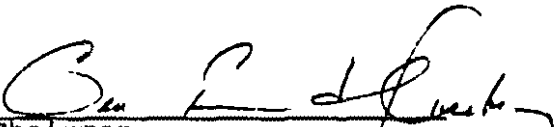
IT IS THEREFORE ORDERED that:

1. South Hopkins cease providing service to Wayne Hamby and Bob Hamby on a date mutually agreed upon between South Hopkins and Christian County, such date to be before the expiration of the thirtieth day after the date of this Order.

2. All the provisions of the Commission's February 20, 1991 Order in Case No. 90-220 otherwise remain in full force and effect.

Done at Frankfort, Kentucky, this 22nd day of December, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director