

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROBERT J. & NICOLE R. ARNOLD)	
)	
COMPLAINANT)	
)	
vs.)	CASE NO. 94-528
)	
BLUE GRASS R.E.C.C.)	
)	
DEFENDANT)	

O R D E R


On December 27, 1994, the Arnolds filed a complaint naming Blue Grass R.E.C.C. ("Blue Grass") as defendant. The Arnolds allege that Blue Grass owns and maintains a utility pole and six guy wires on their property which are not located within the legal easement. They ask that the pole be relocated by Blue Grass.

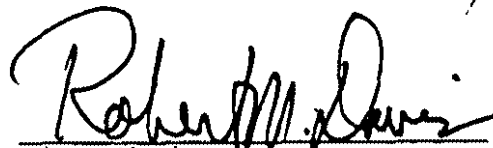
After a review of the complaint and being otherwise sufficiently advised, the Commission finds that the complaint should be dismissed. KRS Chapter 278 provides the Commission with exclusive jurisdiction over the rates and services of utilities. However, matters concerning property law are within the exclusive jurisdiction of the courts of the Commonwealth.

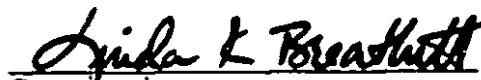
IT IS THEREFORE ORDERED that the complaint be and hereby is dismissed for lack of subject matter jurisdiction.

Done at Frankfort, Kentucky, this 6th day of January, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director