

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NORTH MARSHALL WATER DISTRICT

ALLEGED VIOLATION OF KRS 278.160 AND
KRS 278.170

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) CASE NO. 95-107
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O R D E R

On October 13, 1995, the Commission accepted with modifications a Settlement Agreement between North Marshall Water District ("North Marshall"), Roy C. Brien, Gary E. Clark, Dorothy Coffeen, Bennie W. Darnell, and John R. Travis (collectively "the Commissioners"), and Commission Staff. The Commission further ordered that a hearing in this matter be held if North Marshall or any of the Commissioners exercised their right to withdraw from the Settlement Agreement.

North Marshall and four of the Commissioners have advised the Commission of their acceptance of the modified Settlement Agreement. John R. Travis, however, has exercised his right to withdraw from the Settlement Agreement and has advised the Commission of his intent to appear at the scheduled hearing.

In light of these developments, the Commission finds that its Order of October 13, 1995 should be clarified and amended. It was the Commission's intent that those signatories who wish to withdraw from the Settlement Agreement be permitted to exercise their right without affecting any other signatory's right to accept the Settlement Agreement as modified. Consequently, Mr. Travis'

decision to withdraw from the Settlement Agreement should not prevent the other signatories' from accepting the modified Settlement Agreement.

IT IS THEREFORE ORDERED that:

1. Ordering Paragraph 7 of the October 13, 1995 Order is amended to read as follows:

7. If any signatory to the Settlement Agreement exercises his right to withdraw from the Settlement Agreement, Ordering Paragraphs 1 through 5 of this Order shall not apply to that signatory and that signatory shall appear before the Commission on November 14, 1995 at 10:00 a.m., Eastern Time, in Hearing Room 1 of the Commission's Offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of showing cause why he should not be penalized for alleged violations of KRS 278.160 and KRS 278.170.

2. John R. Travis shall appear before the Commission on November 14, 1995 at 10:00 a.m., Eastern Time, in Hearing Room 1 of the Commission's Offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of showing cause why he should not be penalized for alleged violations of KRS 278.160 and KRS 278.170.

Done at Frankfort, Kentucky, this 9th day of November, 1995.

PUBLIC SERVICE COMMISSION


Linda K. Breasthoff
For the Commission

ATTEST:


Don Mills
Executive Director