

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF GEORGE LUCAS, SR.,)
ADDISON WATER AND SEWER FACILITIES,)
FOR APPROVAL OF CONSTRUCTION,) CASE NO. 95-439
FINANCING, RATES AND TRANSFER OF)
WATER AND SEWER FACILITIES)

O R D E R

On October 3, 1995, George Lucas, Sr., d/b/a Addison Water and Sewer Facilities ("Lucas") applied for authority to construct sewer facilities, to finance the construction, to increase sewer rates, and to transfer the water and sewer facilities to Addison Water and Sewer, Inc. In its filing, Lucas requested permission to deviate from the requirements of KAR 5:001, Section 6(9), Section 9(2)(e) and Section 11(1)(b); and 807 KAR 5:071, Section 3(1)(a), Section 3(1)(i), Section 3(2)(a), Section 3(2)(b), Section 3(2)(e), and Section 3(2)(i).

807 KAR 5:001, Section 6(9), requires the submission of a detailed income statement and balance sheet for the period ending not more than 90 days prior to the date of the application. Section 9(2)(e) requires a complete description of the manner in which the proposed construction is to be financed. If stock is to be issued, Section 11(1)(b) requires a full description of all terms and whether the debt is to be secured and, if so, a description of how it is secured.

807 KAR 5:071, Section 3(1)(a), requires the submission of a valid third-party beneficiary agreement, and Section 3(1)(i)

requires a copy of the applicant's latest state and federal tax returns. 807 KAR 5:071, Section 3(2)(a), also requires the submission of a valid third-party beneficiary agreement; Section 3(2)(b) requires a comparative income statement showing the test period per books; Sections 3(2)(e) requires copies of all service contracts for outside services; and Section 3(2)(i) requires a copy of the applicant's latest state and federal tax returns.

The information required by the above-cited regulations is critical to the Commission's complete review of Lucas's filing. Having reviewed the filing and being otherwise sufficiently advised, the Commission finds that Lucas's request to deviate from the above-cited requirements should be denied. As the information required by the regulations cited above has not been submitted with Lucas's filing, the Commission further finds that the statutory time period in which the Commission must rule on this matter will not commence until the required information is filed with the Commission.

IT IS THEREFORE ORDERED that:

1. Lucas's request for permission to deviate from the requirements of 807 KAR 5:001, Section 6(9), Section 9(2)(e), and Section 11(1)(b); and 807 KAR 5:071, Section 3(1)(a), Section 3(1)(i), Section 3(2)(a), Section 3(2)(b), Section 3(2)(e), and Section 3(2)(i), is denied.

2. Lucas shall file an original and 10 copies of all information required by the regulations cited in ordering paragraph 1 no later than 15 days from the date of this Order.

3. As the requirements of 807 KAR 5:071, Section 3(1)(a) and Section 3(2)(a), necessitate the submission of identical information, Lucas shall only be required to submit one original with 10 copies of this information in order to satisfy its filing obligation. In addition, the requirements of 807 KAR 5:071, Section 3(1)(i) and Section 3(2)(i), also necessitate the submission of identical information. Lucas is required to submit one original with 10 copies of this information in order to satisfy its filing obligation.

Done at Frankfort, Kentucky, this 26th day of October, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director