

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF SOUTH)	
WILLIAMSON REAL ESTATE CO. FOR)	
APPROVAL OF INITIAL RATES AND)	CASE NO. 97-014
OPERATION OF A WATER AND)	
SEWER TRANSMISSION SYSTEM)	

O R D E R

On January 3, 1997, South Williamson Real Estate Co. ("South Williamson") filed an application to establish initial water and sewer rates. The Commission previously determined in Case No. 94-066¹ that South Williamson was a utility subject to regulation under KRS Chapter 278 because it owned facilities used to provide water distribution service and sewer transmission service to the public for compensation.

South Williamson has now filed a motion requesting that this case be dismissed based on the following grounds: 1) it has decided to neither charge nor collect any compensation for the water distribution service it provides to the public; and 2) the Kentucky Supreme Court recently ruled in Boone County Water and Sewer District v. Pub. Serv. Comm'n, Ky., 949 S.W.2d 588 (1997), that providing sewer collection and transmission service without sewer treatment service is not subject to regulation by the Commission.

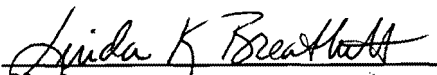
¹ Case No. 94-066, The Complaint of South Williamson Lodging, Inc. (Formerly Williamson Super 8 Motel, Inc.), Complaint, vs. Little Pearl Trucking Company, Inc; Moses Lowe; Denny Moore; South Side Real Estate Developers, Inc.; and Reliance Realty, Inc., Defendants, Order dated July 10, 1996.

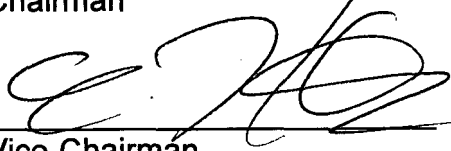
Based on South Williamson's motion, the Commission finds that providing water distribution service for no compensation is an activity exempt from Commission jurisdiction under KRS 278.010(3). In addition, under the ruling in Boone County, South Williamson's sewage collection and transmission service is not subject to Commission jurisdiction since South Williamson does not provide sewage treatment service.


IT IS THEREFORE ORDERED that South Williamson's motion is granted and this case is dismissed.

Done at Frankfort, Kentucky, this 24th day of October, 1997.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director