

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)	CASE NO. 95-439
CONSTRUCTION, FINANCING, RATES)	
AND TRANSFER OF WATER AND)	
SEWER FACILITIES)	

O R D E R

On January 16, 1998, the Natural Resources and Environmental Protection Cabinet filed a motion for reconsideration of the Commission's Order entered on November 25, 1996. KRS 278.400 states that after a determination has been made by the Commission any party may "within twenty (20) days after the service of the order, apply for a hearing with respect to any of the matters determined." Allowing for the three days for service of an order the motion is not timely filed. The Commission finds that the motion to reconsider should be denied.

The Cabinet's motion did contain in Part II a statement in opposition to allowing Lucas to abandon the facility. Notwithstanding that the filing in opposition to the abandonment of the facility was filed in Case No. 95-439, the Commission will consider the Cabinet as having filed a motion to intervene in Case No. 97-177¹ and be given all rights of an intervenor since the Cabinet has demonstrated it has a special interest in

¹ Case No. 97-177, Petition of George Lucas, Sr. and Addison Water and Sewer Facilities for Authorization to Cease Operation as a Public Utility and for Determination That Its Facilities Are No Longer Used to Provide Service to the Public.

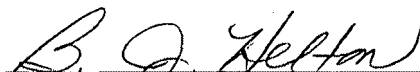
these proceedings pursuant to 807 KAR 5:001, Section 3. The Cabinet should be granted intervention in Case No. 97-177.

IT IS THEREFORE ORDERED that:


1. The Cabinet's motion to reconsider is denied as not timely filed.
2. The Cabinet shall be granted full intervenor rights in Case No. 97-177 and a copy of the Cabinet's motion shall be filed in Case No. 97-177 as a Motion to Intervene.

Done at Frankfort, Kentucky, this 10th day of February, 1998.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director