

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF GEORGE LUCAS, )  
SR., D/B/A ADDISON WATER AND )  
SEWAGE FACILITIES, FOR )  
AUTHORIZATION TO CEASE )  
OPERATION AS A PUBLIC UTILITY ) CASE NO. 97-177  
AND FOR DETERMINATION THAT ITS )  
FACILITIES ARE NO LONGER USED )  
TO PROVIDE SERVICE TO THE )  
PUBLIC )

O R D E R

On June 26, 1998, the Natural Resources and Environmental Protection Cabinet ("Natural Resources") renewed its motion filed previously herein which requests the Commission to "appoint a Receiver pursuant to its authority in KRS 278.021 in the event the PSC grants the petition of abandonment filed by George Lucas, Sr., et al."<sup>1</sup> The heading on both motions states they are "motions for conditional appointment of receiver pursuant to KRS 278.021." The Petitioner has filed a response to both motions.

KRS 278.021 does not grant the Commission any authority to appoint a receiver.

KRS 278.021, Section (1), states in part :

The Commission may petition the Franklin Circuit Court for an order. . . placing it under the sole control and responsibility of a receiver. (Emphasis added)

---

<sup>1</sup> Motions of Natural Resources filed February 27, 1998 and June 26, 1998.

KRS 278.021, Section (2), states:

Any receiver appointed by the court shall file a bond unless the court finds it unnecessary. (Emphasis added)


It is clear from the statute that only after a determination of abandonment is made that the Commission may petition the Franklin Circuit Court for the appointment of a receiver. The Commission does not have the authority to appoint a receiver pursuant to KRS 278.021.

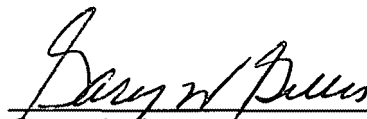
IT IS THEREFORE ORDERED that the motion to appoint a conditional receiver is denied.

Done at Frankfort, Kentucky, this 7th day of July, 1998.

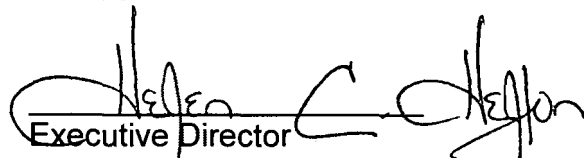
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director