

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF HERRINGTON HAVEN)	
WASTEWATER CO., INC. FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY FOR)	CASE NO.
THE CONSTRUCTION OF A PACKAGE)	2000-407
WASTEWATER TREATMENT PLANT)	

O R D E R

By application filed August 22, 2000, Herrington Haven Wastewater Co., Inc. ("Herrington Haven") has applied for a Certificate of Public Convenience and Necessity to construct a \$7,920 wastewater project. By letter dated September 15, 2000, the Commission notified Herrington Haven that its filing was deficient because it did not provide a copy of a valid third-party beneficiary contract as required by 807 KAR 5:071, Section 3(1)(a).

In a letter dated September 20, 2000, Herrington Haven requested a deviation from that regulation because the Commission granted it a deviation from this regulation in Case No. 95-425.¹ The Commission granted the deviation based on the condition of the system, Herrington Haven's efforts to bring it into compliance, and Herrington Haven's inability to obtain a third-party beneficiary.

On October 13, 2000, the Attorney General ("AG") filed a motion to intervene in this matter. However, the AG cites no specific problems with this filing, and does not indicate that he wishes to explore any specific issues. As the application appears reasonable, and as Herrington Haven has demonstrated that the public convenience

¹ Case No. 95-425, Petition of Herrington Haven Sewer System, Inc. to Transfer Ownership or Control, December 21, 1995.

and necessity would be secured by the proposed construction, the Commission sees no reason to delay issuance of its Order.

Having reviewed the application and being otherwise sufficiently advised, the Commission finds that:

1. The proposed project involves the installation of a 9,800-gallon package wastewater treatment plant and appurtenances.

2. Construction of the proposed waterworks improvement project will not result in the wasteful duplication of any existing utility facilities; nor will it compete with any other utility.

3. The Division of Water of the Kentucky Natural Resources and Environmental Protection Cabinet has approved the drawings and specifications for the proposed waterworks improvement project.

4. Public convenience and necessity require construction of the proposed project.

5. Herrington Haven should be granted a deviation from 807 KAR 5:071, Section 3(1)(a). There are no facts in the record which indicate that the situation faced by Herrington Haven in Case No. 95-425 are different from the situation it faces here.

IT IS THEREFORE ORDERED that:

1. Herrington Haven is granted a Certificate of Public Convenience and Necessity to construct the proposed project as set forth in its application.

2. Herrington Haven shall obtain approval from the Commission prior to performing any additional construction not expressly authorized by this Order.

3. Herrington Haven is, once again, granted a deviation from 807 KAR 5:071, Section 3(1)(a). However, this Commission further orders that on or before November

1, 2001, Herrington Haven must attempt to obtain a third-party beneficiary contract or other evidence of financial ability to secure operation of the plant.

4. Herrington Haven shall furnish documentation of the total costs of this project including the cost of construction and all other capitalized costs (engineering, legal, administrative, etc.) within 60 days of the date that construction is substantially completed. Construction costs shall be classified into appropriate plant accounts in accordance with the Uniform System of Accounts for water utilities prescribed by the Commission.

5. Herrington Haven shall file a copy of the "as-built" drawings and a certified statement that the construction has been satisfactorily completed in accordance with the contract plans and specifications within 60 days of the substantial completion of the construction certified herein.

6. The AG's motion to intervene is granted, and he shall be served a copy of this Order.

Done at Frankfort, Kentucky, this 19th day of October, 2000.

By the Commission

ATTEST:

W. H. Fowler
Deputy Executive Director