

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MIKI THOMPSON AND WINNIE GREER)
D/B/A MIKE LITTLE GAS COMPANY, INC.)
_____) CASE NO. 2000-408
)
REQUEST FOR APPROVAL OF)
TRANSFER OF OWNERSHIP AND RELIEF)
FROM COMPLIANCE SCHEDULE)

O R D E R

On August 21, 2000, Miki Thompson and Winnie Greer d/b/a Mike Little Gas Company, Inc. ("Mike Little Gas") tendered for filing a petition for the approval of transfer of ownership of Mike Little Gas and for relief from a compliance schedule. On September 15, 2000, the Secretary of the Commission, by letter, rejected the filing as deficient. The filing deficiencies were described in the Secretary's correspondence, and Mike Little Gas was requested to file its corrected petition by September 30, 2000. No filing was received from Mike Little Gas; consequently, by Order dated November 17, 2000, the Commission dismissed the case and removed it from the docket.

On December 14, 2000, Mike Little Gas filed the documents necessary to cure the deficiencies as noted in the September 15, 2000 letter, together with a motion to reopen the case.

KRS 278.020(4) states in part that no person shall acquire or transfer ownership of any utility without prior Commission approval. 807 KAR 5:011, Section 11, requires the company which will thereafter operate the utility business to file an adoption notice

ratifying and using the rates, rules, classifications, and administrative regulations of the former operating company as its own.

We believe that the clear intent of KRS 278.020(4) and 807 KAR 5:011, Section 11, as read together, is that both the transferring utility and the acquiring company must be parties to the proceeding.

The acquiring party has the burden of convincing the Commission that it has the prerequisite ability to provide reasonable service. Therefore, the acquiring party and the transferring party should file a joint application with the Commission for approval of the transfer.

The Commission's Order of November 17, 2000 dismissed the matter and removed it from the docket, without prejudice. Accordingly, an application may be properly filed again and assigned a new case number. The Commission finds that the motion of Mike Little Gas to reopen this case is not properly filed. Any subsequent application for a transfer should be tendered in compliance with the Commission's filing requirements and in a form that complies with the instructions contained in this Order.

IT IS THEREFORE ORDERED that the motion of Mike Little Gas to reopen this case is denied.

Done at Frankfort, Kentucky, this 20th day of December, 2000.

By the Commission

ATTEST:


Executive Director