

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF CHIMNEY ROCK)	
WASTE MANAGEMENT, LLC FOR REQUEST)	CASE NO.
TO OPERATE AS A UTILITY AND FOR THE)	2000-554
ESTABLISHMENT OF INITIAL RATES)	

ORDER

On June 29, 2001, the Commission entered a scheduling Order in this case. In this Order, the Commission directed each intervenor to state, in writing, if he or she intended to appear at the hearing and present evidence in opposition to the Chimney Rock Waste Management, LLC's ("Chimney Rock") application. On July 3, 2001, the Attorney General stated that he would not proffer testimony in the case but would attend any hearing. The Commission has not received a letter from any other intervenor stating his or her intention to appear at the hearing. On July 5, 2001, Chimney Rock tendered interrogatories to Commission Staff. On July 10, 2001, Chimney Rock filed a motion to amend Commission Staff's report.

On July 18, 2001, Chimney Rock filed a motion to suspend its application. As grounds, Chimney Rock stated that "significant operational issues have arisen since the Application was filed. Chimney Rock . . . states that it believes it is both necessary and prudent to take time to carefully investigate these issues before proceeding with the pending Application." Id. On July 20, 2001, the Attorney General responded that he did not object to this request. The Commission has not received a response to Chimney Rock's motion from any other intervenor.

Pursuant to KRS 278.190(3), the Commission must issue its Order regarding the proposed rates within 10 months of the filing date. Because this case was considered "filed" as of December 19, 2000, this Commission has until October 19, 2001 in which to issue its final Order.

Based upon the foregoing, and the Commission being otherwise sufficiently advised, IT IS HEREBY ORDERED that:

1. The hearing of this matter set for August 7, 2001, and the prehearing settlement conference set for July 25, 2001, are cancelled.

2. All provisions contained in the Commission's scheduling Orders of May 24, 2001, and June 29, 2001, contrary to this order are revoked.

3. Chimney Rock's motion to suspend is granted. However, Chimney Rock shall have until 21 days after the date of this Order to inform the Commission if it will proceed with this case or if it will withdraw the application. If it wishes to proceed, Chimney Rock shall within that time period request a new hearing date. If the Commission does not receive written notice that Chimney Rock will proceed with this case within the foregoing time period, the Commission shall dismiss this application without prejudice.

4. Should this application be dismissed without prejudice, Chimney Rock may refile its application. If Chimney Rock refiles its application, it may file a motion to incorporate the record in this case into its new application.

5. Chimney Rock's motion to amend the staff report is denied.

Done at Frankfort, Kentucky, this 30th day of July, 2001.
By the Commission

ATTEST:


Executive Director