

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 July 18, 2001, Chimney Rock Waste Management, LLC (“Chimney Rock”) filed a motion to suspend its application, stating 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.” The Attorney General stated that he had no objection to this request; no other intervenor responded to the motion.

On July 30, 2001, the Commission entered an Order suspending the application for 21 days, during which time Chimney Rock was to determine if it wanted to proceed with or withdraw its case. On August 17, 2001, Chimney Rock filed a notice that it was withdrawing its application.

As stated in its Application, Chimney Rock was requesting authority to operate a “utility” as defined in KRS 278.010 and to establish its initial rates. Prior to Harold and Kathy Williams’ purchase of Chimney Rock from Myrna Burke, Chimney Rock was not a regulated utility.<sup>1</sup> Mr. and Mrs. Williams, through Chimney Rock Waste Management,

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<sup>1</sup> Application, para. 2.

LLC, purchased the system on December 14, 2000.<sup>2</sup> Chimney Rock has not charged any of its customers for sewer service since it acquired the plant.<sup>3</sup> In fact, the customers have never paid for sewer service.<sup>4</sup>

A sewage treatment facility is a “utility” when it has provided for “[t]he collection, transmission, or treatment of sewage for the public, for compensation. . . .” KRS 278.010(3)(f). Chimney Rock does not fall within this definition at this time. At anytime in the future, should Chimney Rock charge any member of the public for sewer service, whether individual or business entity, it will be a public utility subject to this Commission’s jurisdiction. A utility that violates any provision of KRS Chapter 278 is subject to the penalty provisions of KRS 278.990.

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

1. Chimney Rock’s withdrawal of its application is approved. This case is dismissed without prejudice and removed from the Commission’s docket.
2. Should Chimney Rock determine in the future that it will refile its application for treatment as a public utility, it shall file a motion requesting that this case and its record be incorporated into the record of any future case.

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<sup>2</sup> Response to Commission Staff’s Second Data Request, No. 1.

<sup>3</sup> Response to Commission Staff’s First Data Request, No. 17.

<sup>4</sup> Id.

Done at Frankfort, Kentucky, this 6<sup>th</sup> day of September, 2001.

By the Commission

ATTEST:

  
Executive Director