

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

VANDELLA CAUDILL)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2004-00354
)	
EAST KENTUCKY WASTE CONTROL)	
)	
DEFENDANT)	

O R D E R

On September 1, 2004, Vandella Caudill filed a formal complaint with the Commission against East Kentucky Waste Control ("East Kentucky"). In the complaint, Ms. Caudill alleges that a waste treatment plant operated by East Kentucky has been unattended for several months, continually backs up, and she must go to the plant and clear out the waste lest the sewage back up into her premises. Ms. Caudill asserts that she has attempted to contact Lance Bowling, the owner/operator of East Kentucky, but she has been unable to contact him. Ms. Caudill requests that the Commission require Mr. Bowling to repair the problems causing the flooding on her premises.

On September 9, 2004, the Commission mailed to Mr. Bowling an Order to satisfy or answer Ms. Caudill's complaint. The mailing was returned to the Commission on September 29, 2004 marked "unclaimed." On October 20, 2004, the Commission sent the same Order to Mr. Bowling, via certified mail, and that mailing was returned on November 8, 2004, marked "unclaimed." As of the date of this Order, service has not been obtained on East Kentucky.

The Commission is currently investigating several alleged violations of East Kentucky.¹ Among these allegations are: an illegal transfer of control and/or ownership; failure to pay annual assessments; and numerous operational violations. It appears from the record in Case No. 2002-00396 that the Commission has been equally unsuccessful in obtaining service on East Kentucky or in receiving responses to its Orders.

The Kentucky Division of Water (“DOW”) recently required East Kentucky to address many of the operational issues. The complete extent of East Kentucky’s compliance with DOW’s requirements is currently unknown.

Because the Commission has been unable to obtain service on East Kentucky in this proceeding, and because of the ongoing DOW enforcement action, we are without sufficient information about the status of the matters about which Ms. Caudill complained. If the complaint has been satisfied, no further proceedings are necessary.

IT IS THEREFORE ORDERED that, within 20 days of the date of this Order, Ms. Caudill shall inform the Commission, in writing, with a copy to East Kentucky, whether her complaint has been satisfied.

Done at Frankfort, Kentucky, this 2nd day of May, 2006.

By the Commission

ATTEST:



Executive Director

¹ Case No. 2002-00396, Gary K. Fairchild, Appalachian Waste Control, Inc., Lance Bowling d/b/a East Kentucky Waste Control: Alleged Failure to Comply With 807 KAR 5:071, Section 7(1), KRS 278.020(4) and (5), and KRS 278.150(2).