

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

KENTUCKY DAM VILLAGE)	
STATE RESORT PARK,)	
KENTUCKY DEPARTMENT OF)	
PARKS, COMMERCE CABINET)	
)	
COMPLAINANT)	
v.)	CASE NO. 2006-00365
)	
NORTH MARSHALL WATER)	
DISTRICT)	
)	
DEFENDANT)	

ORDER TO SATISFY OR ANSWER


North Marshall Water District ("North Marshall District") is hereby notified that it has been named as defendant in a formal complaint filed on July 27, 2006, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, North Marshall District is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 4th day of August, 2006.

ATTEST:



Executive Director

By the Commission

BD

RECEIVED
JUL 27 2006
PUBLIC SERVICE
COMMISSION

BEFORE THE PUBLIC SERVICE COMMISSION

KENTUCKY DAM VILLAGE)
STATE RESORT PARK,)
KENTUCKY DEPARTMENT OF PARKS,)
COMMERCE CABINET,)
COMPLAINANT)
vs.)
NORTH MARSHALL WATER DISTRICT,)
DEFENDANT)

CASE NO.: 2006-00365

COMPLAINT

The Complaint of Kentucky Dam Village State Resort Park, Kentucky Department of Parks, Commerce Cabinet, (KDV) respectfully shows:

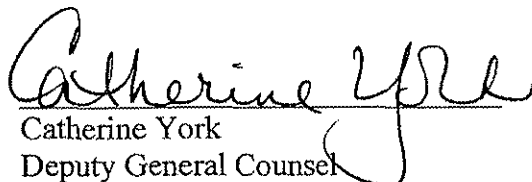
- (a) That Complainant, Kentucky Dam Village State Resort Park, is a park within the Kentucky Department of Parks, an agency of the Commerce Cabinet, a programmatic Cabinet of the Commonwealth of Kentucky. KDV is located at 113 Administration Drive Gilbertsville, KY 42044-0069.
- (b) That Defendant, North Marshall Water District is a water utility located with a mailing address of PO Box 850, Benton, KY 42025.
- (c) That Defendant, North Marshall Water District, charged a late fee of 10% or \$944.58 in May 2006 to KDV in violation of KRS 45.453 and KRS 45.454. KDV paid their bill within the thirty (30) days provided for by KRS 45.453 and even if the payment had been late, the legislature has limited late fees to 1% rather than the 10% charged by Defendant.

(d) That Complainant recognizes that KAR 5:006, Section 8(h) provides for penalties charged by utilities, but believes that an administrative regulation cannot contravene a statutory scheme passed by the legislature. Had the legislature intended for utilities to be exempt from KRS 45.453 and KRS 45.454, then it would have so stated.

WHEREFORE, Complainant asks that the Public Service Commission find that it does not owe the late fee of \$944.38 to North Marshall Water District by virtue of the protections set forth by KRS 45.453 and KRS 45.454.

Dated at Frankfort, Kentucky, this 25th day of July 2006.

Respectfully submitted by:
COMMERCE CABINET
ELLEN F. BENZING, GENERAL COUNSEL


Catherine York
Deputy General Counsel
500 Mero Street
CPT 24th Floor
Frankfort, Kentucky 40601