

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AIRVIEW UTILITIES, LLC, AND )  
MARTIN COGAN AND LARRY )  
SMITHER IN THEIR INDIVIDUAL )  
AND OFFICIAL CAPACITIES )  
\_\_\_\_\_)  
ALLEGED FAILURE TO COMPLY )  
WITH COMMISSION'S ORDER )

CASE NO. 2006-00558

O R D E R

On December 22, 2006, the Commission issued a show cause Order to Airview Utilities, LLC ("Airview") which, *inter alia*, made Martin Cogan and Larry Smither ("Respondents") parties to this action in their individual and official capacities and ordered that they submit to the Commission, within 20 days of the date of that Order, written responses: (a) explaining their failures to comply with the Commission's Order in Case No. 2005-00022;<sup>1</sup> (b) showing cause why they should not be jointly and severally subject to the penalties prescribed in KRS 278.990(1); and (c) showing cause why Airview's surcharge should not be revoked and why Airview should not be required to refund the monies already collected, plus interest, pursuant to the Commission's Order of April 28, 2005 in Case No. 2005-00022.

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<sup>1</sup> Case No. 2005-00022, Joint Application of Airview Estates, Inc. and Elizabethtown Utilities, LLC For Approval of the Transfer of Wastewater Treatment Plant to Elizabethtown Utilities, LLC.

By motion received January 30, 2007, Respondents requested an extension of time of 20 days from January 25, 2007 to respond to the Order. As grounds for their request, Respondents state that they were unaware of the Order until their counsel learned of the Order from Commission Staff on January 25, 2007. Thereafter, Respondents promptly filed their motion for extension of time.

The Commission finds that Respondents have presented sufficient grounds to justify an extension of time within which to respond to the Commission's December 22, 2006 Order.

IT IS THEREFORE ORDERED that:

1. Respondents' request for an extension of time of 20 days from January 25, 2007 within which to respond to the Commission's December 22, 2006 Order is granted.
2. Respondents shall provide complete and precise responses to the December 22, 2006 Order no later than close of business on February 20, 2007.
3. All parties shall provide copies of any materials submitted to the Commission to all other parties of record.

Done at Frankfort, Kentucky, this 6<sup>th</sup> day of February, 2007.

By the Commission

ATTEST:



Executive Director