

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

CARROLL COUNTY WATER DISTRICT NO. 1)		
)	
COMPLAINANT))	
V.))	CASE NO. 2007-00202
)	
GALLATIN COUNTY WATER DISTRICT))	
)	
DEFENDANT))	

O R D E R

On October 11, 2007, Carroll County Water District No. 1 ("Carroll District") filed a Motion to Show Cause in which it alleges that Gallatin County Water District ("Gallatin District") violated the Commission's Order of August 1, 2007 not to construct any water main extension within Carroll District's territory. Gallatin District responded to the Motion to Show Cause on October 15, 2007.

In its motion, Carroll District seeks an Order holding Gallatin District in contempt of the Commission's Order of August 1, 2007. The Commission, as an administrative agency, is limited to acting within the authority delegated to it by the Legislature.¹ While the Legislature has not provided contempt powers to the Commission, it has authorized the Commission to assess penalties to persons who willfully fail to comply with an Order of the Commission or who procure, aid, or abet a violation by any utility.² Accordingly,

¹ Cincinnati Bell Telephone Co. v. Pub. Serv. Comm'n, 223 S.W.3d 829, 836 (Ky. App. 2007).

² KRS 278.990(1).

the Commission will construe Carroll District's motion as requesting the imposition of civil penalties against Gallatin District for its alleged violation of our Order of August 1, 2007.

IT IS THEREFORE ORDERED that:

1. On or before October 29, 2007, Intervenor Whitehorse Development Company shall file a written response regarding the allegations in Carroll District's Motion to Show Cause.

2. All parties shall be prepared to address the motion, to include presenting any evidence and argument, at the hearing scheduled for November 1, 2007 at 9:00 a.m., Eastern Daylight Time.

Done at Frankfort, Kentucky, this 22nd day of October, 2007.

By the Commission

ATTEST:



Executive Director