BEFORE THE ENERGY REGULATORY COMMISSION OF KENTUCKY

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In the Matter of

ENERGY REGULATORY COMMISSION VS.   )
MOUNTAIN INVESTMENT, INC.   )   CASE NO. 7130

O R D E R

On January 31, 1977, this Commission issued an Order directing Mountain Investment, Inc. to appear at the offices of this Commission and show cause, if any, why various deficiencies existing on its system should not be corrected to insure adequate service. The hearing was held on February 7, 1977, at 3:00 P.M., Eastern Standard Time and Company officials stated their willingness to correct any deficiencies the Commission deemed necessary.

Mountain Investment, Inc. began a program of upgrading its system. The Commission took this cooperative attitude into consideration and extended its deadline for compliance.

On September 5, 1979, the City of Wheelwright, Kentucky and Kentucky Housing Corporation filed an application that the Energy Regulatory Commission of Kentucky approve the sale by Mountain Investment, Inc. and the purchase by Kentucky Housing Corporation and the purchase by the City of Wheelwright of the gas, water, and sewer utility systems and two gas wells owned and operated by Mountain Investment, Inc.

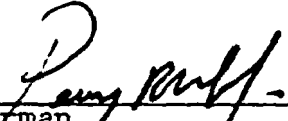This was accomplished by Order No. 7567, dated September 14, 1979.

A confirming letter was received by this Commission on November 20, 1979, from the law firm of Wyatt, Grafton & Sloss, attorneys for Kentucky Housing Corporation, signed by Janet G. Marcum stating that as of September 21, 1979, ownership of all utility systems in the City of Wheelwright, Ky. were transferred to the City.
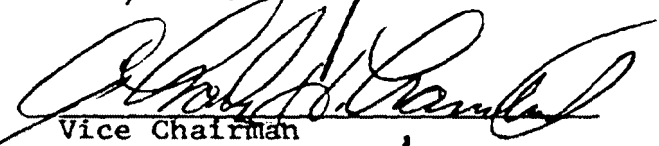
The Commission, having considered the matter and being advised, finds that Mountain Investment, Inc. is no longer jurisdictional to this agency in that KRS 278.010(3) specifically exempts municipally-owned utility systems from state regulations.
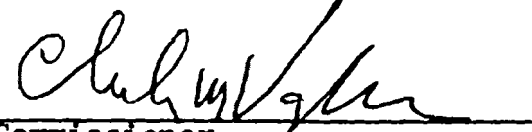
IT IS THEREFORE ORDERED that this case be and it hereby is dismissed.

Done at Frankfort, Kentucky, this 6th day of February, 1980.

ENERGY REGULATORY COMMISSION

Chairman

Vice Chairman

Commissioner

ATTEST:

Acting Secretary