

# EXHIBIT 6

BOYD CIRCUIT COURT  
DIVISION II  
FILE NO. 93-CI-00458

FILED  
JUL 7 11 34 AM '95  
BY: [Signature] CLERK  
PLAINTIFF,

CITY OF ASHLAND, KENTUCKY  
a City of the Second Class,

VS: ORDER AND JUDGMENT

COLUMBIA GAS OF KENTUCKY, INC., DEFENDANT.

\*\*\*\*\*

The City of Ashland seeks declaratory relief against Columbia Gas of Kentucky, Inc., stating that the Defendant is operating without a valid franchise agreement and has failed to submit responsive bids to the City's advertised specifications pursuant to KRS 96.010 and sections 163 and 164 of the Kentucky Constitution. The main hang up appears to be that the Defendant wants to include a line item on the bills of customers in the City of Ashland for collection of the franchise fee back from those who receive the service. The City takes the position that if Columbia can pass the cost of the franchise onto the customers of Ashland, then Columbia has essentially received the valuable privilege of using the City's rights-of-way for free which would be unfair to city taxpayers. The City feels that the utility must absorb the cost of the franchise as a part of doing business since it is receiving something valuable for it.

The Defendant on the other hand argues that the bids submitted were responsive in that they would generate more revenue for the City than the ordinances would have and that the City's interpretation of the ordinance is arbitrary, capricious

Accordingly, IT IS HEREBY ORDERED AND ADJUDGED that Ordinance 155, 1992 of the City of Ashland is a proper exercise of the Plaintiff's constitutional authority and the Defendant's bids are not responsive. The Defendant is Ordered to submit a responsive bid which does not provide for a line item charge to customers within thirty (30) days. The Defendant's Counterclaim is dismissed. This is a Final Order and no cause for delay.

Entered this the 7th day of July 1995.

  
BOYD CIRCUIT COURT, DIVISION II, JUDGE

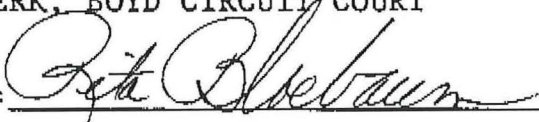
I, the undersigned Clerk of the Boyd Circuit Court, do hereby certify that the foregoing ORDER AND JUDGMENT was this day entered of record in my office and I have given written notice of said entry by mailing a true and correct copy of same to the following:

Kevin P. Sinnette  
Asst. Corporation Counsel  
P.O. Box 1839  
Ashland, Ky. 41105-1839

Kimberly S. McCann  
P.O. Box 1111  
Ashland, Ky. 41105-1111

This the 7 day of July 1995.

CLERK, BOYD CIRCUIT COURT

BY:  , D.C.