

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ELECTRONIC INVESTIGATION INTO THE)	
REMOVAL OF MARTIN COUNTY WATER)	CASE NO.
DISTRICT'S SEWER FACILITIES FROM PUBLIC)	2021-00123
SERVICE COMMISSION JURISDICTION.)	

ORDER

On February 24, 2021, the Commission received a letter from Martin County Water District (Martin District) stating that Martin District transferred all assets related to sanitation to the Martin County Sanitation District on or about May 31, 2016. Martin District states that this should end all reporting requirements and requests the Commission close any cases related to Martin District's provision of sewer service.

This investigation was instituted to determine whether Martin District required Commission approval for transfer of sewer related assets to the Martin County Sanitation District pursuant to KRS 278.020(6) and (7).

On March 22, 2021, Martin District filed with the Commission verified responses to the Commission's initial Order. These responses confirm that Martin District transferred all of its sewer customers to Martin County Sanitation District, has ceased providing sewer service, and is no longer operating in any capacity. Commission approval for this transfer was neither sought nor required as Martin County Sanitation District purchased no assets

or ownership interest in Martin District, nor did any transfer of utility ownership occur. Therefore, the provisions of KRS 278.020(6) and (7) do not apply.¹

Martin District no longer owns, controls, or operates any facility used for the “collection, transmission, or treatment of sewage for the public, for compensation”² Based upon this, the Commission finds that Martin District is no longer an operating sewer utility as defined in KRS 278.010(3)(f).

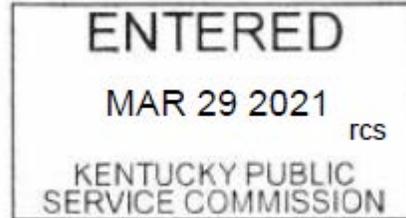
IT IS THEFORE ORDERED that:

1. Martin District shall no longer be regulated by the Commission as a sewage utility meeting the definition of KRS 278.010(3)(f).
2. Martin District shall be removed from Commission records as an operating sewer utility.
3. Nothing in this Order shall otherwise alter Martin District’s requirements as a water utility meeting the definition of KRS 278.010(3)(d).
4. This case is closed and removed from the Commission’s docket.

¹ See e.g., Case No. 1990-00129, *Removal of Third Street Sanitation, Inc. from Public Service Commission Jurisdiction* (Ky. PSC May 21, 1990); see also, Case No. 2017-00045 *Alleged Failure of Lewis Sanitation Company, Inc. d/b/a Garden Heights Sewer Division to File Required Reports* (Ky. PSC Sept. 28, 2017).

² KRS 278.010(3)(f).

By the Commission



ATTEST:


Executive Director

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