

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF DOE VALLEY)	
UTILITIES, INC. FOR)	
DETERMINATION AS TO)	
JURISDICTIONAL STATUS OF)	CASE NO. 2003-00360
DOE VALLEY UTILITIES, INC.)	
AND ADDITIONAL OR)	
ALTERNATIVE DETERMINATIONS)	

O R D E R

On May 19, 2004, the Commission issued an Order granting the petition of Doe Valley Utilities, Inc. ("Doe Valley") to be declared a non-jurisdictional utility. The Commission ruled that Doe Valley's status as a non-jurisdictional utility was conditioned upon an amendment to the Doe Valley Association, Inc. ("DVA") by-laws as set forth in Exhibit G of Doe Valley's petition. We also ruled that the status of Doe Valley would not change until the amendment was timely filed with the Commission. Doe Valley also filed Articles of Dissolution for the utility with an effective date of April 15, 2004; however, the Commission ruled that until the condition imposed by the May 19, 2004 Order is met, Doe Valley remains a jurisdictional utility and cannot be transferred or dissolved without prior Commission approval. KRS 278.020(4).

On June 21, 2004, Doe Valley filed a motion stating that the DVA has now complied with the condition imposed by the Order of May 19, 2004, and requesting that the Commission enter a "Final Order" approving the dissolution of Doe Valley and granting Doe

Valley the status of non-jurisdictional utility. In support of the motion, Doe Valley filed an affidavit of its corporate counsel together with the following documents:

- Articles of Dissolution of Doe Valley Utilities, Inc., with an effective date of April 15, 2004, filed with the Kentucky Secretary of State on March 25, 2004;
- A Resolution of the Board of Directors of Doe Valley Association. Inc.; and
- Articles of Amendment of Doe Valley Association, Inc.

On July 1, 2004, Doe Valley supplemented its motion by filing a copy of the Articles of Amendment of the DVA bearing the stamp of the Kentucky Secretary of State dated June 26, 2004. The Commission finds that the condition imposed by the May 19, 2004 Order is fulfilled as of July 1, 2004. We also find that the issue of approval of the dissolution of Doe Valley is now moot as the utility is no longer subject to regulation by the Commission pursuant to KRS 278.020.

IT IS THEREFORE ORDERED that:

1. Doe Valley is not a utility jurisdictional to the Commission as of July 1, 2004.
2. Within 30 days of the date of this Order, Doe Valley shall file an annual report to reflect the period up to and including June 30, 2004.
3. This case is closed and is removed from the Commission's docket.

Done at Frankfort, Kentucky, this 12th day of July, 2004.

By the Commission

ATTEST:


Executive Director