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February 6, 2002

Shannon M. Doan  
Attorney at Law  
P.O. Box 430  
Loyall, KY 40854

RE: City of Evarts Water Expansion

Dear Ms. Doan:

This is in response to your letter of January 30, 2002, concerning the City of Evarts plans to extend its water system to serve a group of customers now being served by the Turner Water System, a jurisdictional utility owned and operated by James Turner. To provide the service, the City plans to install new water lines and meters and not to utilize the existing facilities, lines or equipment being used by the Turner Water System. You state that the Turner Water System is in a state of deterioration and that the City has received funding in the form of grants for the project. You further state that Mr. Turner does not object to the project and that he can be expected to abandon the system once the extension is operable. Since the City will not be acquiring the Turner system, you ask whether KRS 278.020 (4) and (5) require Commission approval for the extension.

KRS 278.020 (4) and (5) require prior approval from the Commission of any transfer of ownership or control of a jurisdictional utility. Since the City's plan is to extend its own system and not acquire the Turner Water System, it is our opinion that those provisions are not applicable and that the extension does not require Commission approval. However, it is important that Mr. Turner request approval to abandon his system once the extension is complete.

I trust that this answers your questions. If you require further assistance, you may contact Paul Shapiro, an attorney on the Commission staff.

Sincerely,

Thomas M. Dorman  
Executive Director

/rst  
cc: File

