



Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: February 3, 1998
TO: E. Leon Jacobs, Jr., Commissioner
FROM: Tim Vaccaro, Senior Attorney
RE: Docket No. 961531-WU - Application for amendment of Certificate No. 347-W to add territory in Marion County by Marion Utilities, Inc.

On January 24, 1997, Decca Utilities (Decca) filed an objection to Marion Utilities, Inc.'s (MUI) application for amendment of certificate. As a result, a formal hearing has been scheduled.

On October 3, 1997, pursuant to settlement negotiation between the parties, Decca filed an application for amendment of its certificates to include additional territory. That matter is being processed in docket No. 971157-WS. Part of the territory requested is currently included in MUI's service territory.

Subsequently, the parties filed a settlement agreement which basically provides the following:

- 1) MUI agrees to file with the Commission an application for deletion of its territory in conjunction with Decca's application for amendment in Docket No. 971157-WS;
- 2) Upon the Commission's approval of MUI's application for deletion, Decca agrees to a voluntary dismissal with prejudice of its objection in Docket No. 961531-WU.

Staff will prepare recommendations regarding MUI's application for deletion and the parties' settlement stipulation for presentation at the earliest possible Agenda Conference. Therefore, please ask the Chairman to perform the following:

- 1) Cancel the Prehearing Conference scheduled for March 25, 1998; and
- 2) Cancel the Hearing scheduled for April 15-16, 1998.

I have attached a memo to the Chairman. Thank you.

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 Division of Legal Services (Crosby)
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