

STATE OF NEW YORK  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held in the City of  
Albany on May 6, 2013

COMMISSIONER PRESENT:

Garry A. Brown, Chairman

CASE 12-W-0364 - Petition filed by White Knight Management, LLC  
to abandon its water system.

ORDER ADOPTING EMERGENCY  
RULE AS A PERMANENT RULE

(Issued and Effective May 6, 2013)

BACKGROUND

On February 13, 2013, the Commission issued an Order appointing the Town of Thompson as the temporary operator of the abandoned White Knight Management, LLC (White Knight or Company) water system to ensure the provision of water service to its customers.<sup>1</sup> As a temporary operator, the Town is authorized to operate and manage the water system, in compliance with the Company's tariff and statutory and regulatory requirements.

The Commission adopted the Order on an emergency basis, in accordance with State Administrative Procedure Act (SAPA) §202(6). That provision permits emergency adoption of a rule by an agency, if necessary for the preservation of the public health, safety, or general welfare and if publication of

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<sup>1</sup> Case 12-W-0364, supra, Order Appointing a Temporary Operator (issued February 13, 2013).

the rule and opportunity for public comment is provided subsequent to the emergency adoption.

On March 6, 2013, a Notice of Emergency/Proposed Rulemaking was published in the State Register, in accordance with SAPA §202(6). The SAPA 45-day public comment period expired on April 22, 2013. No comments were received.

#### DISCUSSION

We approved the Town's appointment as a temporary operator of White Knight on an emergency basis, based on our determination that the emergency action was necessary to continue water service for White Knight customers and, thus, preserve their general health and welfare. As a temporary operator, the Town is authorized to recover revenues from customers and operate and maintain the system for the purpose of continuing safe and adequate service.

The Commission is required by SAPA §202(6) to adopt the terms of its February 13, 2013 Order on a permanent basis within a 90-day period that expires on May 13, 2013, allow the Order to lapse, or extend the period for taking action. The prior emergency approval should remain in effect for the reasons stated in the February 13, 2013 Order. No purpose is served by extending the period within which to consider our decision and no modification of the Order is necessary because we received no comments in this proceeding. Therefore, the February 13, 2013 Order is adopted as a permanent rule.

#### It is ordered:

1. The Order appointing a temporary operator, issued February 13, 2013 is adopted as a permanent rule pursuant to the State Administrative Procedure Act.

2. This proceeding is continued.

(SIGNED)

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Commissioner