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June 8, 2012

VIA PERSONAL DELIVERY

Mr. Jeff R. Derouen
Executive Director
Kentucky Public Service Commission
211 Sower Blvd.
Frankfort, Kentucky 40602

Re: Case No. 2011-00297
Forest Creek, LLC
v. Jessamine South Elkhorn Water District

RECEIVED

JUN 08 2012

PUBLIC SERVICE
COMMISSION

Dear Sir:

Enclosed is my client's Motion for Modification or Extension of Time as referenced above. Ten copies of the Motion are attached.

Sincerely,


Bruce E. Smith

Enclosures

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

FOREST CREEK, LLC)
COMPLAINANT)
VS.)
JESSAMINE SOUTH ELKHORN)
WATER DISTRICT)
DEFENDANT)

CASE NO. 2011-00297

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PUBLIC SERVICE COMMISSION

MOTION FOR MODIFICATION OR EXTENSION OF TIME

The Complainant, Forest Creek, LLC ("FC") specifically reserved "the right to amend its Pre-filed Testimony" in both the Pre-filed Testimony of James Kelley and Jihad Hallany subject to the Public Service Commission's ("PSC") ruling on FC's Motion to Compel. The Defendant, Jessamine-South Elkhorn Water District ("JSEWD") likewise has a pending Motion to Compel as regards FC's answers to information requests.

Given that this case is a complaint proceeding, in which FC has the burden of proof, JSEWD should not be required to file Requests for Information in response to this "Pre-filed Testimony" by FC or its own testimony (or even to decide if testimony is necessary and to what extent) until FC has filed all of its direct testimony. Fairness and due process would appear to require that JSEWD not be placed in a position where

1 The PSC's Order of March 16, 2012, does not mention any requirement to tender "pre-filed" testimony. The use by FC of the description, "Pre-filed Testimony", as opposed to written testimony in verified form, does not support an alternative method by which FC can preserve a "right" to change or expand its Verified Testimony as required in the PSC's Order.

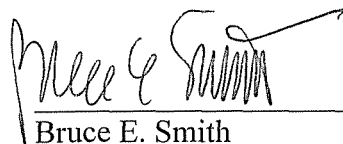
2 These testimonies were filed with the PSC on May 30 and June 1, 2012, respectively.

3 Filed April 30, 2012.

4 Filed May 30, 2012.

information requests by JSEWD to FC's "Pre-filed Testimony" suggests or instructs FC as to how it should make its case in chief, thereby removing or shifting FC's burden of proof. FC should not be permitted to file two sets of rebuttal testimony, as it will be permitted to do if JSEWD is required to file its testimony before FC is finally ready to admit that its direct testimony is complete.

The JSEWD respectfully moves the PSC to modify and extend the deadlines imposed on JSEWD of June 8, 2012 and July 6, 2012, so as to set a date 14 days after FC notifies that Commission that its "Pre-filed Testimony" is complete for the June 8, 2012 deadline⁵, and to set a date 14 days after FC responds to JSEWD's information requests in this regard for the filing of JSEWD's Verified Testimony. It would also appear that the PSC should modify the steps following the filing date of JSEWD's Verified Testimony with the same time-spacing as currently ordered. Accordingly, JSEWD so moves.



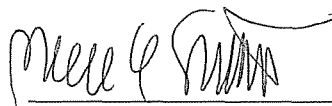
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Attorney for JSEWD

⁵ The submission of Requests for Information in response to FC's Verified Testimony.

CERTIFICATE OF SERVICE:

The undersigned hereby certifies that a true copy of the foregoing Motion for Modification or Extension of Time was served on the following by U.S. Mail, first class, postage prepaid, on June 8, 2012:

Robert C. Moore, Esq.
P.O. Box 676
Frankfort, Kentucky 40602-0676
Counsel for Complainant



Bruce E. Smith