

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AMERICOAL CORPORATION)	
)	
COMPLAINANT)	
)	
VS.)	CASE NO.
)	90-108
BOONE COUNTY WATER AND SEWER DISTRICT)	
)	
DEFENDANT)	

O R D E R

Boone County Water and Sewer District having answered the complaint of Americoal Corporation and it appearing that issues of law and fact are in dispute, the Commission finds that a formal hearing in this matter should be held and a procedural schedule should be established.

IT IS THEREFORE ORDERED that:

1. A formal hearing in this matter shall be held in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, beginning at 10:00 a.m., Eastern Daylight Time, on September 25, 1990, and continuing until completed.

2. Each party may, on or before July 20, 1990, serve upon any other party a request for production of documents and written interrogatories to be answered by the party served within 10 days of service.

3. Each party may, on or before August 10, 1990, serve upon any other party a supplemental request for production of documents

and supplemental written interrogatories to be answered by the party served within 10 days of service.

4. Each party may, on or before August 31, 1990, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

5. Each party may, on or before August 31, 1990, serve upon any other party a written request for admission, for purposes of this proceeding only, of the truth of any relevant matter set forth in the request that relates to statements or opinions of fact or of the application of law to fact. The matter is admitted unless within 10 days after service of the request, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection. The form of the request for admission and the answer or objection thereto shall otherwise be governed by Kentucky Civil Rule 36.

6. Each party shall, on or before September 14, 1990, serve upon the other parties a written summary of the testimony of those witnesses which it expects to call at the formal hearing, copies of all exhibits to be introduced at that hearing, and all preliminary motions and objections, except objections to exhibits. All exhibits shall be appropriately marked.

7. Copies of all documents served upon any party shall be served on all other parties and filed with the Commission.

Done at Frankfort, Kentucky, this 5th day of July, 1990.

ATTEST:


Lee M. MacCracken
Executive Director

PUBLIC SERVICE COMMISSION

Robert M. Davis
For the Commission