

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

Boone County Water and Sewer District ("Boone District") having moved for an extension of time in which to respond to interrogatories, both parties having submitted pleadings on this motion, and the Commission finding that Boone District's motion should be denied and that the current procedural schedule should be amended to reflect the delay in ruling on this motion and other events,

IT IS THEREFORE ORDERED that:

1. Boone District's motion for an extension of time is denied.
2. Boone District shall file its responses to Americoal Corporation's interrogatories no later than August 10, 1990.
3. A formal hearing in this matter shall be held in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky, beginning at 10:00 a.m., Eastern Daylight Time, on October 17, 1990, and continuing until completed.

4. Each party may, on or before August 24, 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.

5. Each party may, on or before September 15, 1990, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

6. Each party may, on or before September 15, 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.

7. Each party shall, on or before October 1, 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.

8. Any provisions of the Commission's Order of July 5, 1990 which conflict with the provisions set forth herein are hereby rescinded.

Done at Frankfort, Kentucky, this 7th day of August, 1990.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director