

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF KENTUCKY-AMERICAN )  
WATER COMPANY FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY AUTHORIZING THE )  
CONSTRUCTION OF APPROXIMATELY 49,000 FEET ) CASE NO. 91-359  
OF 12" MAIN, 240 FEET OF 8" MAIN, WITH )  
ASSOCIATED VALVES AND FITTINGS, KNOWN AS )  
THE "JACKS CREEK PIPELING" )

O R D E R

On November 18, 1991, two motions were filed requesting an extension of time for the filing of intervenors' prepared testimony and a postponement of the hearing. One motion was filed by Lexington-South Elkhorn Water District, the other by Spears Water Company, Inc. and the City of Nicholasville. Both motions state that the intervenors will have insufficient time after receipt of data responses on November 15, 1991 to analyze the information and file prepared testimony by November 22, 1991 as required by the current procedural schedule. Both motions request a continuance until January 1992 for the filing of prepared testimony. On November 21, 1991, Jessamine County Water District No. 1 filed a motion seeking similar relief or, in the alternative, the elimination of the requirement that intervenors file prepared testimony.

On November 20, 1991, Kentucky-American Water Company ("Kentucky-American") filed an objection to revising the procedural schedule. The objection notes that the intervenors

were served copies of the application in this case on September 30, 1991 and argues that they should not be rewarded for their lack of diligence. The objection also notes that bids on the proposed facilities expire December 31, 1991 and that under the circumstances presented there is no justification to require the project to be rebid or to request bid extensions from the low bidders.

Based on the pleadings and being advised, the Commission hereby finds that good cause has been shown to grant an extension of time for the filing of prepared testimony by intervenors and to reschedule the hearing. The filing of intervenors' prepared testimony should not be eliminated since it gives the parties and the Commission advance notice of the issues and affords an opportunity to prepare cross-examination. Kentucky-American should take all steps necessary to obtain an extension of the low bids.

IT IS THEREFORE ORDERED that:

1. Intervenor shall deliver to the Commission and parties of record direct testimony in prepared form no later than January 6, 1992.

2. The public hearing scheduled on December 5, 1991 for the purpose of cross-examination of all witnesses be and it hereby is rescheduled to January 22, 1992 at 9:30 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

3. Kentucky-American shall give notice of the rescheduling of the public hearing to the planning commission of any planning unit (as those terms are defined in KRS 100.111) having jurisdiction in Fayette and Jessamine counties, Kentucky.

Done at Frankfort, Kentucky, this 25th day of November, 1991.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director