

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

| | | |
|----------------------------------|---|-----------------|
| DOVIE SEARS, et al. |) | |
| |) | |
| COMPLAINANTS |) | |
| V. |) | CASE NO. 91-277 |
| |) | |
| SALT RIVER WATER DISTRICT |) | |
| and |) | |
| KENTUCKY TURNPIKE WATER DISTRICT |) | |
| |) | |
| RESPONDENTS |) | |

O R D E R

This matter arises upon the Complainants' motion for a staff audit or, in the alternative, for sanctions. Complainants subsequently withdrew their motion for staff audit. A hearing on the motions was requested by the movants and was held at the Commission's offices on March 4, 1992.

After consideration of the evidence of record, argument of counsel, and being otherwise sufficiently advised, the Commission finds:

1. The motion for sanctions should be denied.
2. Kentucky Turnpike Water District's ("Kentucky Turnpike") objections to the interrogatories should be overruled.
3. Kentucky Turnpike should be compelled to answer Complainants' January 16, 1992 interrogatories.

IT IS THEREFORE ORDERED that:

1. The motion for sanctions is denied.

2. Kentucky Turnpike is hereby compelled to respond on or before March 25, 1992 to the set of interrogatories propounded by the Complainants dated January 16, 1992.

3. Kentucky Turnpike's objections to the relevancy of previous interrogatories are overruled.

4. All parties to this proceeding shall adhere to the revised procedural schedule attached hereto and incorporated herein as an Appendix to this Order.

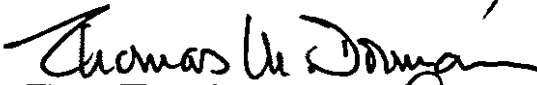
5. A formal hearing in this matter shall be held in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, beginning at 10:00 a.m., Eastern Daylight Time, on June 29, 1992 and continuing until completed.

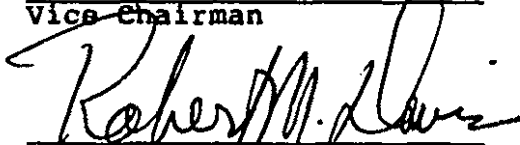
6. Copies of all documents served upon any party shall be served upon all other parties and 10 copies of such documents shall be filed with the Commission.

Done at Frankfort, Kentucky, this 17th day of March, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 91-277 DATED MARCH 17, 1992

1. Each party may, on or before April 3, 1992, serve upon any other party a supplemental request for production of documents and supplemental written interrogatories to be answered by the parties served within 14 days of service.

2. Each party may, on or before May 1, 1992, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

3. Each party may, on or before May 15, 1992, serve upon any other party a written request for admission for purposes of this proceeding only of the truth of any matters relevant to this proceeding set forth in the request that relate to statements or opinions of fact or of the application of law of fact. The matter is admitted unless within 14 days after service of the request the party to whom the request is directed serves a written answer or objection upon the requesting party. The form of the request for admission and the answer or objection thereto shall otherwise be governed by Kentucky Civil Rule 36.

4. Each party shall, no later than June 5, 1992, submit a prehearing memorandum which (a) identifies factual and legal issues to be presented; (b) lists all witnesses in the order in which they will testify on direct examination; (c) list the qualifications of any expert witnesses; and (d) summarizes each witnesses expected testimony.

5. Each party shall, no later than June 5, 1992, serve upon all other parties a list and a copy of all exhibits which it will introduce at the formal hearing. All exhibits shall be marked for identification.

6. Each party shall, no later than June 12, 1992, file its written objections to any filed exhibit and the legal basis for such objection. When no objection is made to an exhibit it shall be entered into evidence.

7. All preliminary motions and objections other than objections to exhibits shall be made no later than June 16, 1992.