

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DAN AND ROSE PATIERNO
COMPLAINANTS

v.

ASHLAND EXPLORATION, INC.
DEFENDANT

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) CASE NO. 95-267
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O R D E R

On June 19, 1995 Dan and Rose Patierno filed a formal complaint against Ashland Exploration, Inc. ("Ashland") alleging that they had made repeated attempts to obtain service from the defendant and had been denied service to which they were entitled. Ashland answered the complaint and a procedural schedule was entered and a hearing scheduled.

Ashland issued a set of interrogatories and a request for production of documents on July 26, 1995 and a second set of interrogatories on August 23, 1995. No responses have been received by either the Commission or the defendant. A prehearing conference was scheduled in this matter for September 11, 1995 and complainant Dan Patierno called the Commission that day to indicate he would not be appearing at the scheduled conference.

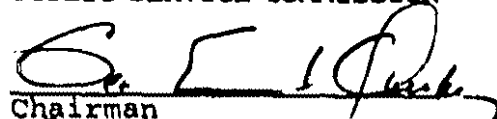
On September 22, 1995 Ashland filed a motion requesting sanctions against the Plaintiffs for their failure to respond to discovery and failure to appear at the prehearing conference.

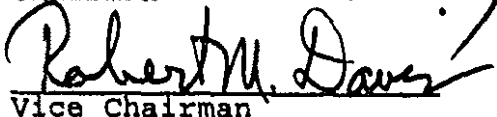
Ashland requests the complaint be dismissed. The Commission finds good cause exists to grant the motion and dismiss the complaint.

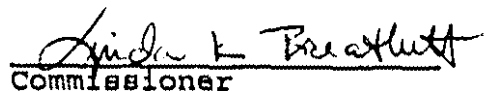
IT IS THEREFORE ORDERED that the complaint of Dan and Rose Patierno against Ashland is dismissed with prejudice.

Done at Frankfort, Kentucky, this 4th day of October, 1995.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director