

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|------------------------------------|---|-----------------|
| PAUL AND FRANCES MIZE |) | |
| |) | |
| COMPLAINANTS |) | |
| |) | |
| v. |) | CASE NO. 95-471 |
| |) | |
| BARNESBURG WATER ASSOCIATION, INC. |) | |
| |) | |
| DEFENDANT |) | |

O R D E R

On September 26, 1995, Paul and Frances Mize filed a complaint against Barnesburg Water Association, Inc. ("Barnesburg") concerning their water service and supply. Barnesburg was directed by Order to Satisfy or Answer the Complaint. Although Barnesburg's answer, filed on November 6, 1995, alleged to have satisfied the Complaint, the Mizes informed the Commission that in fact the Complaint has not been satisfied. While Barnesburg is not recognized as a utility entitled to file applications with the Commission, and can no longer validly construct, borrow money, or raise rates,¹ until such time as it has completed its merger with South Eastern Water Association, Inc. as ordered by both the Commission and the Franklin Circuit Court, it has a duty to provide

¹ Case No. 94-495, The Application of Barnesburg Water Association, Inc., of Pulaski County, Kentucky, For Order Approving Construction Financing, Certificate of Public Convenience and Necessity, and Increased Rates. Final Order dated March 24, 1995.

continuous and adequate service to its customers.² It appears further proceedings will be necessary in this case.

IT IS THEREFORE ORDERED that:

1. Each party may, on or before February 7, 1996, 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.

2. Each party may, on or before February 21, 1996, serve upon the other party a supplemental request for production of documents and supplemental written interrogatories to be answered by the party served within 7 days of service.

3. Each party shall, on or before March 4, 1996, serve upon the other parties a written summary of the testimony of the witnesses which are expected to be called at the formal hearing, copies of all exhibits which will be used at the hearing regardless of whether they are to be introduced, and all preliminary motions and objections, except objections to exhibits. All exhibits shall be appropriately marked.

² By order of the Franklin Circuit Court issued July 31, 1995, in Civil Action No. 92-CI-01151, Public Service Commission of Kentucky v. Barnesburg Water Association, Inc., et al., which compels compliance with the Commission's Order of February 22, 1988, in Case No. 9967, The Proposed Merger of Barnesburg Water Association, Bronston Water Association, Elihu-Rush Branch Water Association, Nelson Valley Water Association, Oak Hill Water Association, Pleasant Hill Water District, Pulaski County Water District No. 1, Pulaski County Water District No. 2, and Tateville Water Association, Barnesburg must complete all legal requirements necessary to effect a merger with South Eastern by November 28, 1995.

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

5. A formal hearing in this matter shall be held on March 6, 1996, at 9:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky. For purposes of administrative convenience, this case will be heard simultaneously with Case Nos. 95-468³ and 95-469.⁴

Done at Frankfort, Kentucky, this 25th day of January, 1996.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director

³ Case No. 95-468, Mr. and Mrs. James Howard Mize, Jr. v. Barnesburg Water Association, Inc.

⁴ Case No. 95-469, Juanita Allene Mize v. Barnesburg Water Association, Inc.