

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SUGAR GROVE FARM, INC., JOHN T. WARD, )  
JR., AND DONNA WARD )

COMPLAINANTS )

v. )

EAST KENTUCKY POWER COOPERATIVE, INC. )

DEFENDANT )

CASE NO. 96-334

O R D E R

East Kentucky Power Cooperative, Inc. ("EKPC") having answered the complaint of Sugar Grove Farm, Inc., John T. Ward, Jr., and Donna Ward, and it appearing that issues of law and fact are in dispute, the Commission finds that a formal hearing in this matter should be held and a procedural schedule should be established.

IT IS THEREFORE ORDERED that:

1. A formal hearing in this matter shall be held on December 17, 1996, at 10:00 a.m., Eastern Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, and continuing until completed.

2. Each party may, on or before August 30, 1996, serve upon any other party a request for production of documents and written interrogatories to be answered by the party served within 20 days of service.

3. Each party may, on or before October 9, 1996, serve upon any other party a supplemental request for production of documents and supplemental written interrogatories to be answered by the party served within 20 days of service.

4. Each party may, on or before October 31, 1996, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

5. Each party may, on or before October 9, 1996, serve upon any other party a written request for admission, for purposes of this proceeding only, of the truth of any matter relevant to this proceeding 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.

6. Each party shall, on or before November 20, 1996, serve upon the other parties the written testimony of the witnesses that it will call at the formal hearing and all preliminary motions and objections.

7. Each party shall, on or before December 10, 1996, serve upon the other parties any written rebuttal or surrebuttal testimony that it intends to present at the formal hearing.

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

9. Pending completion of this proceeding, EKPC shall not construct electric substation or transmission lines which are the subject of the complaint.

Done at Frankfort, Kentucky, this 2nd day of August, 1996.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director