

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DARRELL CLEM)	
)	
)	COMPLAINANT
v.)	
)	CASE NO. 99-178
SPANISH COVE SANITATION SYSTEM, INC.)	
)	
)	DEFENDANT
)	

ORDER

Spanish Cove Sanitation, Inc. (Spanish Cove Sanitation) having answered the complaint and it appearing that issues of fact and law are in dispute, the Commission finds that a formal hearing in this matter should be held.

IT IS THEREFORE ORDERED that:

1. A formal hearing in this matter shall be held on September 21, 1999, at 9:00 a.m., Eastern Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky, and continuing until completed.

2. Within 30 days of the date of this Order, each party shall file an original and 8 copies of the following with the Commission and serve a copy upon all parties of record:

a. List of the names and addresses of all witnesses that it intends to call as a witness at the formal hearing.

b. A summary of the expected testimony of each witness.

c. A copy of all documents and exhibits that it intends to introduce into evidence at the scheduled hearing.

3. To be timely filed with the Commission, a document must be received by the Secretary of the Commission within the specified time for filing except that any document shall be deemed timely filed if it has been transmitted by United States express mail, or by other recognized mail carriers, with the date the transmitting agency received said document from the sender noted by the transmitting agency on the outside of the container used for transmitting, within the time allowed for filing.

4. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

5. As the Complainant bears the burden of proof in this matter, his failure to appear at the formal hearing and to present proof in support of his complaint may result in the dismissal of his complaint with prejudice.

6. The failure of Defendant to appear at the formal hearing may result in the entry of an Order granting the Complainant's requested relief.

Done at Frankfort, Kentucky, this 29th of July, 1999.

By the Commission

ATTEST:

Executive Director