

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ADJUSTMENT OF THE RATES OF KENTUCKY-AMERICAN WATER COMPANY)	CASE NO.
)	2000-120

ORDER

Kentucky-American Water Company (“Kentucky-American”) has moved to compel NOPE, Inc.’s (“NOPE”) response to certain requests for information. More specifically, Kentucky-American requests that NOPE provide a list of NOPE’s contributors, the respective amounts of their contributions, and a copy of all income tax returns filed since July 29, 1999. NOPE refused to provide the requested information on the grounds that the requested information is not relevant.

The only issue that Kentucky-American’s motion presents is whether the requested information will produce relevant evidence. Under the Kentucky Rules of Civil Procedure, “[p]arties may obtain discovery regarding any matter not privileged which is relevant to the subject matter involved in the pending action” CR 26.02(1). The information must be “reasonably calculated to lead to the discovery of admissible evidence.” Id. See also KRE 401 (“‘Relevant evidence’ means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”) (emphasis added).

Kentucky-American has failed to demonstrate that the requests at issue involve admissible evidence or would lead to the discovery of admissible evidence. The

ultimate issue in this proceeding concerns the reasonableness of Kentucky-American's proposed rate adjustment. We fail to see how NOPE's tax returns or the identity of NOPE's contributors and the amount of their contributions to NOPE will produce relevant evidence regarding Kentucky-American's operations and finances and the reasonableness of its proposed rates. We therefore find that Kentucky-American's Motion to Compel Discovery should be denied.

IT IS THEREFORE ORDERED that Kentucky-American's Motion to Compel Discovery is denied.

Done at Frankfort, Kentucky, this 22nd day of September, 2000.

By the Commission

ATTEST:


Executive Director