

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF MALLARD POINT DISPOSAL)	
SYSTEMS, INC. FOR (1) A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO.
THE PROPOSED WASTEWATER IMPROVEMENT)	2003-00283
PROJECT; AND (2) THE APPROVAL OF THE)	
PROPOSED PLAN OF FINANCING)	
APPLICATION OF MALLARD POINT DISPOSAL)	
SYSTEMS, INC. FOR AN ADJUSTMENT OF RATES)	CASE NO.
PURSUANT TO THE ALTERNATIVE RATE FILING)	2003-00284
PROCEDURE FOR SMALL UTILITIES)	

O R D E R

On July 7, 2003, Mallard Point Disposal Systems, Inc. (Mallard Point) filed an application for a Certificate of Public Convenience and Necessity and for approval of financing, which the Commission docketed as Case No. 2003-00283. Mallard Point also filed an application for a general rate increase pursuant to 807 KAR 5:076, which was docketed as Case No. 2003-00284. The Attorney General has been granted intervention in Case No. 2003-00283. The Attorney General and several individuals have been granted intervention in Case No. 2003-00284. Procedural Orders have been entered in both cases. On September 23, 2003, in Case No. 2003-00283, the Commission entered an Order continuing the time for rendering a decision beyond the 60-day statutory period as contained in KRS 278.300(2).

On September 3, 2003, in Case No. 2003-00284, an amended Procedural Order was issued to reflect new dates. On September 29, 2003, intervenors filed requests to

extend the procedural schedule one week due to the failure of Mallard Point to timely serve its responses to intervenors questions and requests for documents. Mallard Point has agreed to the extension.

The Commission has reviewed the filings contained in Case Nos. 2003-00283 and 2003-00284 and finds that Case No. 2003-00283 should be consolidated with Case No. 2003-00284 for all administrative purposes. The Commission further finds that the procedural schedule included in its September 3, 2003 Order should be amended.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. Case Nos. 2003-00283 and 2003-00284 are hereby consolidated into Case No. 2003-00284.

2. Case No. 2003-00283 is hereby closed.

3. On or before October 15, 2003, each party may serve upon any other party a supplemental request for production of documents and written interrogatories to be answered by the party served no later than October 31, 2003.

4. On or before November 14 , 2003, Commission Staff shall submit to the Commission a written report of its findings and recommendations on Mallard Point s proposed rate adjustment.

5. On or before November 24, 2003, all parties shall carefully review the report of Commission Staff and file with the Commission their written comments on the report. In these comments, each party shall specifically identify those findings and/or recommendations to which it objects. Failure to object to a finding shall be considered an approval of that finding.

6. A formal hearing shall be scheduled if necessary.

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

8. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

9. To be timely filed with the Commission, a document must be received by 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.

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

Done at Frankfort, Kentucky, this 6th day of October, 2003.

By the Commission

ATTEST:


Executive Director

Case No. 2003-00283
Case No. 2003-00284