

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

HOWARD B. KEEN)	
)	
COMPLAINANT)	
)	
v.)	CASE NO. 2004-00348
)	
CARROLL COUNTY WATER DISTRICT #1)	
)	
DEFENDANT)	

O R D E R

Defendant having answered the complaint and the Commission finding that issues of fact are in dispute and that a procedural schedule should be established to ensure the prompt resolution of this matter, IT IS HEREBY ORDERED that:

1. A formal hearing in this matter shall be held on July 27, 2005 at 10:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, and shall continue until completed.
2. The official record of the proceeding shall be by video only, unless otherwise requested by a party to this proceeding within 10 days of the date of this Order.
3. On or before June 17, 2005, each party may serve upon any other party an initial request for production of documents and written interrogatories to be answered by the party served within 10 days of service.

4. On or before June 30, 2005, each party shall file with the Commission in verified form the direct testimony of each witness that it expects to call at the formal hearing or any other evidence that the parties plan to introduce at hearing.

5. On or before July 14, 2005, each party shall file with the Commission in verified form the testimony of each rebuttal witness that it expects to call at the formal hearing.

6. Within 10 days of the date of this Order, Carroll County Water District #1 ("Carroll County") shall respond to Commission Staff's request for information attached hereto as Appendix A.

7. Direct examination of witnesses shall be limited to the authentication and adoption of written testimony. No summarization of written testimony by the witness shall be permitted.

8. Witnesses who have filed written direct and rebuttal testimony shall present that testimony at the same sitting. Opposing parties may cross-examine such witnesses on both direct and rebuttal testimonies.

9. No opening statements shall be made at the hearing.

10. Within 30 days after the hearing, any party may submit a written brief. Briefs shall not exceed 25 pages in length.

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

12. 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.

13. 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.

14. 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.

15. 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.

16. 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 9th day of June, 2005.

By the Commission

ATTEST:

A handwritten signature in black ink, consisting of several overlapping loops and flourishes, positioned above a horizontal line.

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE COMMISSION IN CASE NO. 2004-00348 DATED JUNE 9, 2005

1. Provide a map that includes: Complainant's property; the main from which Complainant desires service in relation to Complainant's property; location of any residences along this section; and the route the main would have followed if Complainant had granted the easement.
2. Provide copies of the minutes of the meetings of the Carroll County Water District Commissioners at which the following issues were discussed:
 - a. Attempts to obtain the easements from Complainant;
 - b. Complainant's refusal to provide the easements;
 - c. The filing of Carroll County's current tariff;
 - d. The decision to include provision #6 of the Rules and Regulations in Carroll County's Tariff; located on page 44, and
 - e. Eminent domain.
3. Provide the names and addresses of all of the Commissioners who were serving when Complainant refused to grant the easements.
4. Provide the names and addresses of all of the Commissioners who were serving when Carroll County submitted its most recent tariff to the Commission.
5. Provide the approximate cost to extend service to a customer where the customer is located on one side of a road and the water main from which the customer requests service is located on the opposite side of the road.