

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DANNY RAY ADAMS	)	
CALVIN VAUGHN	)	
	)	
COMPLAINANTS	)	
	)	
v.	)	CASE NO. 2005-00008
	)	
GARRARD COUNTY WATER	)	
ASSOCIATION, INC.	)	
	)	
DEFENDANT	)	

O R D E R

Danny Ray Adams and Calvin Vaughn filed formal complaints alleging that Garrard County Water Association, Inc. (“Garrard”) unreasonably and improperly refused water service to Mr. Adams. Garrard filed a motion to dismiss or, in the alternative, to consolidate the cases.

On March 9, 2005, the Commission consolidated the cases into Case No. 2005-00008, set a hearing date, and issued a procedural schedule for information requests.

On March 25, 2005, Garrard filed a motion to cancel the hearing and to suspend the procedural schedule upon the grounds that it was attempting to resolve the matter by planning to meet with Mr. Adams and adjoining property owners and further resolve property rights issues with these adjoining property owners. On March 29, 2005, Mr. Adams filed his objection to the request for a continuance and requested that the matter proceed on schedule.

We find that the motion of Garrard for a continuance should be granted. However, we do not find that the hearing should be postponed for up to 60 days as Garrard requested. We will amend the procedural schedule accordingly and reset the formal hearing.

IT IS THEREFORE ORDERED that:

1. The motion of Garrard to suspend the procedural schedule is denied.
2. The motion of Garrard to continue the formal hearing is granted.
3. A formal hearing in this matter shall be held on April 28, 2005 at 9:30 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.
4. 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.
5. The procedural schedule is amended to read that on or before April 18, 2004, each party shall file with the Commission a list of witnesses each party intends to present at the hearing with a short statement of the subject matter each witness intends to introduce at the hearing.
6. No opening statements shall be made at the hearing.
7. Within 20 days after the hearing, any party may submit a written brief or statement of issues proved by the evidence taken. Briefs or statements shall not exceed 15 pages in length.

8. Copies of all documents served upon any party shall be served on all other parties and filed with the Commission with a brief statement signed by the party that the document has been filed with the Commission and upon the other party.

9. 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.

10. 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.

11. As the Complainants bear the burden of proof in this matter, their failure to appear at the formal hearing and to present proof in support of their complaints may result in the dismissal of their complaints with prejudice.

Done at Frankfort, Kentucky, this 30<sup>th</sup> day of March, 2005.

By the Commission

ATTEST:



Executive Director

Case No. 2005-00008