

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DONNIE E. AND DELORES A. LOWERY)	
)	
COMPLAINANTS)	
)	
V.)	CASE NO. 2005-00544
)	
JESSAMINE-SOUTH ELKHORN)	
WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

On December 19, 2005, Complainants, Donnie E. and Delores A. Lowery, filed with the Commission a formal complaint against Jessamine-South Elkhorn Water District ("JSE"). In their complaint, Complainants contend that JSE promised to provide them with water service, but now refuses to do so. JSE denies having made such a promise and further states that Complainants reside outside JSE's territorial boundary.

On April 27, 2006, Commission Staff served Complainants and Defendant with data requests. Responses to the data requests were due within 15 days of service. JSE timely filed its responses to the data requests, but Complainants did not respond.

The Commission, through its own experts or employees, may obtain such evidence as it may consider necessary in any formal proceeding. 807 KAR 5:001 Section 4(3). "Applicants before an administrative agency have the burden of proof."¹

¹ Energy Regulatory Comm'n v. Kentucky Power Co., 605 S.W.2d 46, 50 (Ky. App. 1980).

As the Complainants' bear the burden of proving their case, and as the Commission bases its ruling upon the evidence presented, Complainants should respond to Commission Staff's data requests.

IT IS THEREFORE ORDERED that, within 15 days of the date of this Order, Complainants shall completely and precisely respond to Commission Staff's data requests dated April 27, 2006. If no response is received within 15 days of the date of this Order, the Commission may (a) rule based upon the existing record or (b) consider the complaint withdrawn and remove the case from the Commission's docket.

Done at Frankfort, Kentucky, this 23rd day of June, 2006.

By the Commission

ATTEST:


Executive Director