

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE ADEQUACY OF)
THE WATER SUPPLY OF MAGOFFIN COUNTY) CASE NO. 2008-00443
WATER DISTRICT)

ORDER

Having reviewed the responses of Magoffin County Water District ("Magoffin District"), the city of Salyersville ("Salyersville"), and the Kentucky Division of Water ("DOW") to the Commission's Order of October 17, 2008, and finding significant differences in their assessment of the adequacy of Magoffin District's water supply, the Commission, on its own motion, HEREBY ORDERS that:

1. A hearing shall be held on the adequacy of Magoffin District's water supply on December 16, 2008, beginning at 10:00 a.m., Eastern Standard Time, in the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
2. Any corporate or governmental entity that is not represented by a licensed attorney at the scheduled hearing will not be permitted to present argument, make objections, or examine any witnesses.¹

¹ The Commission has previously held that the representation of a governmental entity before the Commission is the practice of law and requires an attorney. See Administrative Case No. 249, Practice Before the Commission by Attorneys Non-Licensed in the Commonwealth of Kentucky (Ky. PSC June 15, 1981) at 2; Case No. 2004-00348, Howard Keen v. Carroll County Water District #1 (Ky. PSC Oct. 15, 2004). We note that no attorney has entered an appearance on behalf of Magoffin District, Salyersville or DOW. Each of these parties has submitted written responses to the Commission's Order of October 17, 2008 that were not signed by an attorney. By this Order, we place each on notice that they are expected to comply with this requirement in this proceeding.

3. At the scheduled hearing, Magoffin District, Salyersville, and DOW shall present testimony and answer questions on the adequacy of Magoffin District's water supply.

4. On or before December 10, 2008, Magoffin District, Salyersville, and DOW shall each file with the Commission an original and 6 copies of the prepared written testimony of each witness that it intends to call at the scheduled hearing.

5. Any other party desiring to present testimony at the scheduled hearing shall, on or before December 10, 2008, file with the Commission an original and 6 copies of the prepared written testimony of each witness that it intends to call at the scheduled hearing.

6. The prepared written testimony shall be in the following format:

a. Written testimony shall be accompanied by a cover sheet showing the case caption and case title, the person testifying, and the party for whom the testimony is offered.

b. The first page of prepared testimony shall contain testimony only and shall not repeat the information on the cover page.

c. Prepared testimony shall be submitted on white eight and one-half by eleven inch (8-1/2" x 11") paper and be double-spaced (except for quoted material and tables or other collections of numerical data).

d. Each line of prepared testimony shall be numbered at the left margin (except single-spaced quotations or tables of numerical data, which may be numbered at the left margin as though they were double spaced).

e. All exhibits accompanying the prepared testimony shall be labeled.

f. The prepared written testimony shall be made under oath and shall be signed by the witness who is giving the testimony.

7. At the scheduled hearing in this matter, each party shall limit the length of its opening and closing statements to no more than 10 minutes.

8. Direct examination of witnesses who present written prepared testimony shall be generally limited to the authentication and adoption of that written testimony. A witness may briefly summarize his or her written testimony, but such summarization shall not exceed 10 minutes in length.

9. The restrictions set forth in Ordering Paragraph 8 shall not apply to witnesses who testify under subpoena and are not affiliated with the party that has called the witness.

10. No later than December 10, 2008 each party and Commission Staff shall file with the Commission a list of the persons who it expects to call as witnesses at the scheduled hearing.

11. A telephone conference call shall be held on December 12, 2008 at 11:00 a.m., Eastern Standard Time, to clarify and discuss procedural issues related to the scheduled hearing. Commission Staff shall make the arrangements for such conference call and shall provide an agenda for such conference in advance of the conference call.

12. The Commission does not favor motions for continuance or extensions of time and will grant them only when such a motion is made in writing and states compelling reasons for granting the motion.

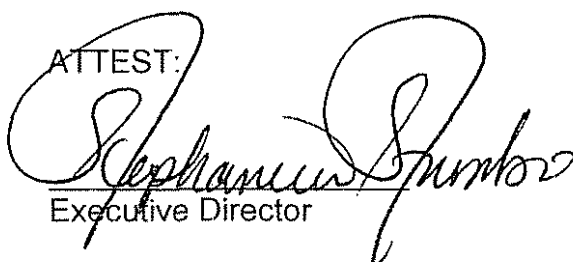
13. All documents that are filed with the Commission in this matter shall be served upon all other parties.

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. Magoffin District shall give notice of the time, place, and purpose of the scheduled hearing in this matter in a newspaper of general circulation in all areas in which it provides water service one time not less than 7 nor more than 21 days prior to the hearing.

Done at Frankfort, Kentucky, this 24th day of November, 2008.

By the Commission

ATTEST:

Executive Director

Case No. 2008-00443