

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TED DWENGER	)	
and	)	
SANTA CRUZ CATTLE COMPANY, INC.	)	
	)	
COMPLAINANTS	)	CASE NO. 2013-00019
	)	
V.	)	
	)	
HENRY COUNTY WATER DISTRICT NO. 2	)	
	)	
DEFENDANT	)	

ORDER

Complainants have filed a complaint with the Commission in which they allege a dispute with Henry County Water District No. 2 ("Henry District") over the ownership and maintenance responsibilities of the service line that will provide water service to them. Finding that a procedural schedule should be established in this proceeding, the Commission HEREBY ORDERS that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed.
2. a. All responses to requests for information shall be appropriately bound, tabbed and indexed and shall include the name of the witness who will be responsible for responding to the questions related to the information provided, with copies to all parties of record and eight copies to the Commission.
- b. Each response shall be under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency,

be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. A party shall make timely amendment to any prior response if it obtains information that indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any request to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

3. The parties shall consider any request for information from Commission Staff as if ordered by the Commission.

4. Service of any document or pleading in paper form shall be made in accordance with 807 KAR 5:001, Section 4(8). Service upon a party shall be considered completed upon delivery of the document or pleading to the party, upon mailing the document or pleading to the party's address of record, or by sending it by electronic means to the electronic mail address listed on party's pleadings.

5. Any party filing a document or pleading with the Commission shall serve such document or pleading upon all other parties to this proceeding.

6. Any document or pleading that a party serves upon the other parties to this proceeding shall also be filed with the Commission.

7. 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 Complaint may result in the dismissal of their complaint with prejudice.

8. Failure of the Defendant to appear at the formal hearing may result in entry of an Order granting the Complainant's requested relief.

9. At the hearing in this matter, each party shall limit its opening statement to no more than five minutes.

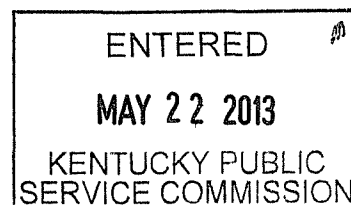
10. Motions for extensions of time with respect to the procedural schedule shall be made in writing and will be granted only upon a showing of good cause.

11. Pursuant to KRS 278.360 and 807 KAR 5:001, Section 9(9), the record of the formal hearing in this matter shall be by videotape.

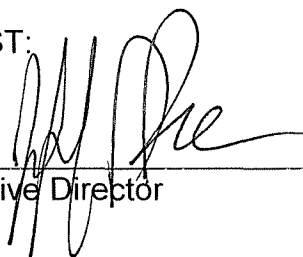
12. Commission Staff shall make a written list of all exhibits presented at the hearing and shall file this list with the Commission with all exhibits and a copy of the video transcript of the hearing.

13. The record of Case No. 96-479<sup>1</sup> is incorporated by reference into the record of this case.

By the Commission



ATTEST:

  
\_\_\_\_\_  
Executive Director

<sup>1</sup> Case No. 96-479, *Hans W. Kallenberger v. Henry County Water District No. 2* (Ky. PSC filed Oct. 8, 1996).

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE  
COMMISSION IN CASE NO. 2013-00019 DATED **MAY 22 2013**

Each party may serve its first set of requests for information upon  
the other parties of record no later than..... 06/03/2013

Parties shall file with the Commission and serve upon the parties  
of record their responses to the first set of requests for information no  
later than..... 06/17/2013

Each party may serve its supplemental set of requests for  
information on other parties of record no later than ..... 07/01/2013

Parties shall file with the Commission and serve upon the other parties  
of record their responses to the supplemental set of requests for  
information no later than ..... 07/15/2013

Each party shall file with the Commission and serve upon the other  
parties of record a list of all witnesses that it intends to call at the scheduled  
hearing and a summary of each witness's expected testimony ..... 07/22/2013

Any party wishing an informal conference in this matter shall file  
its written request for such conference with the Commission no later than .... 07/29/2013

A public hearing shall be held in this matter for the purpose of taking  
evidence, beginning at 10:00 a.m., Eastern Daylight Time, at  
the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky ..... 08/05/2013

James C. Nicholson  
Nicholson Law Office  
121 South Seventh Street, Suite 200  
Louisville, KENTUCKY 40202

James T Simpson  
COO  
Henry County Water District #2  
8955 Main Street  
P. O. Box 219  
Campbellsburg, KY 40011