

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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OCT 25 2006

PUBLIC SERVICE  
COMMISSION

In the Matter of:

APPLICATION OF FARMDALE DEVELOPMENT )  
CORPORATION FOR A CERTIFICATE OF )  
CONVENIENCE AND NECESSITY, AUTHORITY ) CASE NO. 2006-00209  
TO MAKE REPAIRS AND SURCHARGE FOR )  
SAME )

COMMISSION STAFF'S MOTION TO FILE LIST OF WITNESSES  
AND SUMMARY OF EXPECTED TESTIMONY OUT OF TIME

Commission Staff moves for leave to file its List of Witnesses and Summary of Expected Testimony outside the time provided in the Commission's Order of October 10, 2006 and to permit the identified witnesses to testify at the scheduled hearing in this matter.

In support of its motion, Commission Staff states:

1. This case involves the application of Farmdale Development Corporation ("Farmdale") for a certificate of public convenience and necessity to replace certain equipment and make certain repairs at its wastewater treatment plant.
2. A central issue in the review of this application is the current condition of the facilities that Farmdale proposes to replace.
3. On July 14, 2006, members of Commission Staff conducted a routine inspection of Farmdale's wastewater treatment facilities and photographed those facilities. They subsequently issued a report on this inspection.
4. The testimony of these persons on the condition of Farmdale's wastewater treatment plant would ensure a complete and thorough record and would assist the Commission in reviewing Farmdale's application.

5. Commission Staff has not filed its List of Witnesses and Summary of Expected Testimony within the time specified in the Commission's Order of October 10, 2006.

6. Permitting Commission Staff to file its List of Witnesses and Summary of Expected Testimony outside of the period permitted will enable Commission Staff to call those persons who conducted the inspection to testify about the condition of Farmdale's wastewater treatment plant, ensure a more thoroughly developed record on a critical issue in this proceeding, and allow the parties the opportunity to cross-examine this evidence.

7. As of October 23, 2006, Commission Staff had contacted counsel for the parties to this proceeding and advised each of its intent to present testimony regarding the inspection of July 14, 2006. Neither party objects to the filing of the List of Witnesses and Summary of Expected Testimony. To further ensure that the parties are not prejudiced or surprised by the proposed testimony, Commission Staff has this day forwarded electronic copies of this motion and the documents and photographs that it intends to introduce at hearing.

Respectfully submitted,



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COUNSEL FOR COMMISSION STAFF

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Motion to File List of Witnesses and Summary of Expected Testimony Out of Time was served by first class mail, postage prepaid, upon the following, this 25th day of October, 2006:

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