

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPALACHIAN WASTE CONTROL, INC.)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2012-00035
)	
THELMA WASTE CONTROL, INC.)	
)	
DEFENDANT)	

ORDER

Appalachian Waste Control, Inc. ("Appalachian Waste") has filed a complaint against Thelma Waste Control, Inc. ("Thelma Waste") in which it requests that Thelma Waste extend service to its customers who are located in the Neal Price Estates Subdivision in Johnson County, Kentucky. Thelma Waste has answered the complaint and has denied the request. Finding that a procedural schedule should be established for this proceeding, the Commission, on its own motion, HEREBY ORDERS that:

1. A formal hearing in this matter shall be held on May 30, 2012, beginning at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
2. Preliminary motions in this matter will be heard at the start of the hearing and prior to the parties' opening statements.

3. Each party to this proceeding may make an opening statement of not more than five minutes in length. This statement shall summarize the party's position in this matter and describe the evidence that the party expects to present at hearing.

4. Each party may present direct testimony and evidence in support of its position. The Complainant may also present rebuttal testimony and evidence. No surrebuttal testimony shall be presented or taken.

5. Pursuant to KRS 278.360, the record of the formal hearing in this matter shall be by videotape.

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

7. On or before March 16, 2012, a party may serve requests for information upon the opposing party. Within 14 days of service of a request, the party served with the request shall file with the Commission and serve on the requesting party its response.

8. On or before April 13, 2012, a party may serve supplemental requests for information upon the opposing party. Within 14 days of service of a request, the party served with the request shall file with the Commission and serve on the requesting party its response.

9. a. All requests for information and responses thereto shall be appropriately indexed.

b. All responses to requests for information shall include the name of the witness who will be responsible for responding to the questions related to the information provided.

c. 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.

d. The party responding to a request for information shall serve eight copies on the Commission and a copy on all parties of record.

10. Any request for information from Commission Staff shall be considered as an Order of the Commission.

11. On or before May 11, 2012, each party shall file with the Commission a list of the witnesses that it expects to call at the formal hearing and a summary of each witness's expected testimony.

12. An informal conference shall be held at the Commission's offices in Frankfort, Kentucky for the purpose of considering the possibility of settlement, the simplification of issues, and any other matters that may aid in the handling or disposition of this case, beginning at 10:00 a.m., Eastern Daylight Time, on May 23, 2012.

13. Service of any document or pleading shall be made in accordance with 807 KAR 5:001, Section 3(7). Service shall be considered completed upon delivery of the document or pleading to the party or upon mailing the document or pleading to the party's address of record.

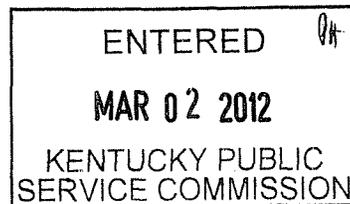
14. Any party filing a document or pleading with the Commission shall serve such document or pleading upon all other parties to this proceeding.

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

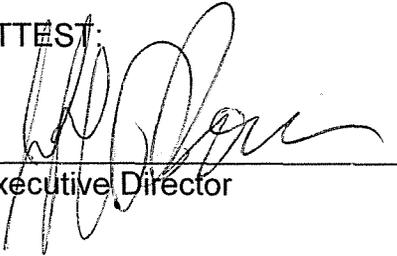
16. As the Complainant bears the burden of proof in this matter, his failure to appear at the formal hearing and to present proof in support of his complaint may result in the dismissal of his complaint with prejudice.

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

By the Commission



ATTEST:



Executive Director

Case No. 2012-00035

John B Baughman
Hazelrigg & Cox, LLP
415 West Main Street
P.O. Box 676
Frankfort, KENTUCKY 40602

Hon. Michael S Endicott
Attorney at Law
225 Court Street
P.O. Box 181
Paintsville, KENTUCKY 41240

Edward Thomasson
Thelma Waste Control, Inc.
P. O. Box 327
Thelma, KY 41260-0327