

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ROBERT HAWKINS)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2013-00017
)	
FOUNTAIN RUN WATER DISTRICT)	
)	
DEFENDANT)	

ORDER

The Complainant had filed a complaint with the Commission in which he alleges that Fountain Run Water District ("Fountain Run District") has incorrectly, unreasonably, and unlawfully billed him for sewer service. Fountain Run denies the allegations.¹

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

¹ On January 29, 2013, the Commission ordered Fountain Run District to satisfy the matters complained or or to file a written answer to the Complaint within ten days of service. On March 20, 2013, having not received any response to this Order, we ordered Fountain Run District to show cause why the Complainant's requested relief should not be granted due to Fountain Run District's failure to comply with this Order. On March 28, 2013, Fountain Run District submitted an Answer to the Complaint and evidence that it had previously mailed the Answer to an erroneous address. Finding that Fountain Run District had attempted to comply with our Order of January 29, 2013 and that no adverse action should be taken against Fountain Run District, we have accepted the Answer for filing.

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 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.

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. If a party is unable to appear at the scheduled hearing due to the hearing's location, that party may request the use of videoconferencing to permit its attendance. Such request shall be made no later than June 28, 2013.

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

11. 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.

12. 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.

13. 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.

By the Commission

ATTEST:



Executive Director

Case No. 2013-00017

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2013-00017 DATED **APR 25 2013**

Each party may serve its first set of requests for information upon
the other parties of record no later than..... 05/08/2013

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..... 05/22/2013

Each party may serve its supplemental set of requests for
information on other parties of record no later than 06/05/2013

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 06/19/2013

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 06/28/2013

Any party wishing an informal conference in this matter shall file
its written request for such conference with the Commission no later than 06/28/2013

Any party wishing to participate in the hearing in this matter by video-
conferencing shall file its written request for the use of video-
conferencing with the Commission no later than 06/28/2013

A public hearing shall be held in this matter for the purpose of taking
evidence, beginning at 1:00 p.m., Eastern Daylight Time, at
the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky 07/09/2013

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