

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of:

NATIONAL SOUTHWIRE ALUMINUM	)	
COMPANY	)	
	)	
VS.	)	CASE NO. 9437
	)	
BIG RIVERS ELECTRIC CORPORATION	)	

O R D E R

On December 9, 1985, the Commission issued an Order which, among other things, adopted a procedural schedule for the orderly adjudication of National Southwire Aluminum Company's ("NSA") complaint against Big Rivers Electric Corporation ("Big Rivers"). On December 11, 1985, Big Rivers filed a response in opposition to NSA's first request for information on the grounds that the request, consisting of 155 questions, was voluminous and burdensome. Big Rivers further requested the Commission to establish a limit of 30 data requests to be propounded by one party upon another, and to extend the time for filing its responses beyond the 2 weeks requested by NSA.

On December 16, 1985, NSA filed a response to Big Rivers' objections. NSA argues that its right to request information was not limited in either of Big Rivers two previous rate proceedings, and that this complaint case involves technical issues which necessitates the receipt of information from Big Rivers. NSA further suggests that the established procedural

schedule be modified to allow all parties to simultaneously complete discovery by February 21, 1986, submit prefiled testimony by March 7, 1986, and maintain the previously scheduled hearing on March 20, 1986.

On December 18, 1985, Alcan Aluminum Corporation ("Alcan"), an intervenor, filed an objection to NSA's suggested modification of the Commission's procedural schedule on the grounds that the modifications would substantially reduce the intervenor's ability to meaningfully participate in this case. Alcan suggests that any modification of the procedural schedule should postpone the hearing date to enable all parties an opportunity to participate in discovery subsequent to the filing of NSA's case-in-chief. Big Rivers filed a similar objection to NSA's suggested procedural schedule on December 23, 1985, and Big Rivers also agreed to serve responses to NSA's first request for information by January 10, 1986.

Based on the pleadings of record and being advised, the Commission is of the opinion and hereby finds that Big Rivers has failed to provide sufficient grounds to support its request that the Commission adopt a limit of 30 data requests to be served by one party upon another. The Commission will, however, entertain any objection to a specific request for information if the grounds for the objection are presented in sufficient detail.

The Commission further finds that good cause exists for the modification of the procedural schedule established by Order entered December 9, 1985. While the Commission is reluctant to

postpone the established hearing, this reluctance must yield to the right of the parties to prepare their case subsequent to the receipt of the complainant's prefiled testimony. As a consequence, the previously established procedural schedule will be modified as set forth in Appendix A attached hereto.

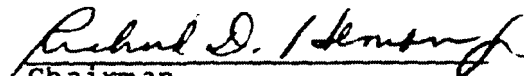
IT IS THEREFORE ORDERED that:

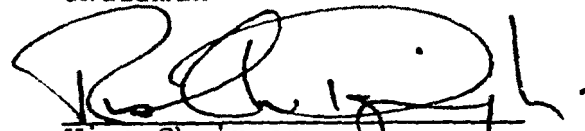
1. Big Rivers' objections to NSA's first information request be and they hereby are overruled.

2. The procedural schedule set forth in Appendix A to the Commission's Order entered on December 9, 1985, be and it hereby is modified as set forth in Appendix A hereto.

Done at Frankfort, Kentucky, this 30th day of December, 1985.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Secretary

APPENDIX A

APPENDIX TO AN ORDER OF THE PUBLIC SERVICE COMMISSION In Case  
No. 9437 dated December 30, 1985.

Procedural Schedule

January 31, 1986	Completion of discovery by NSA.
February 14, 1986	Submission of prefiled testimony by NSA.
March 14, 1986	Completion of Discovery by defendants and intervenors.
March 28, 1986	Submission of prefiled testimony by defendants and intervenors.
April 10, 1986	Hearing to begin at 9 a.m. E.S.T. at the Commission's office in Frankfort, Kentucky, for cross- examination of all witnesses and rebuttal testimony, if any.
April 28, 1986	Submission of Briefs.