

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE FUEL)
PROCUREMENT PRACTICES OF KENTUCKY) CASE NO. 9631
UTILITIES COMPANY)

O R D E R

On November 17, 1988, the Attorney General's Office, Utility and Rate Intervention Division ("AG"), filed a motion to amend the current procedural schedule, which provides for two rounds of discovery of Kentucky Utilities Company ("KU"), to include a third round. The AG claims that a third round of follow-up discovery requests is necessary because KU's responses to many of the AG's first discovery requests referenced documents that were not provided but were made available for inspection and copying at KU's offices. Due to the voluminous nature of the documents to be inspected, the AG states that the procedural schedule does not provide sufficient time for the inspection to be completed and follow-up discovery prepared.

On November 23, 1988, KU filed an objection to part of the AG's second round of discovery and seeks a protective order relieving it of any obligation to provide responses. Alternatively, KU requests an extension of one week to provide responses to the AG's second round of discovery. The ground for KU's objection is that the AG has improperly included initial discovery requests in its second round of discovery. KU argues

that the second round of discovery is limited to items that follow-up areas explored in the first discovery request.

The AG filed a response in opposition to KU's motion for a protective order on November 23, 1988. The AG claims that the procedural schedule provides for two rounds of discovery without any restriction that the second round be limited in scope to follow-up areas covered in the first round. The AG, however, does not object to KU's request for an extension of one week to respond to the AG's data request. On November 28, 1988, KU filed an objection to the AG's motion for a third round of discovery on the ground that it would be unnecessary, burdensome, and result in undue delay.

Based on the motions, responses, and objections, the Commission is of the opinion and hereby finds that the complexity of the issues being investigated in this proceeding and the voluminous nature of the documents justify the granting of a third round of discovery. This third round will be limited in scope to follow-up areas explored in the first and second rounds of discovery. The Commission further finds that KU should respond to all of the AG's second round of discovery but that good cause exists to extend the due date for responses to December 7, 1988.

IT IS THEREFORE ORDERED that the procedural schedule set forth as Appendix A to the Commission's Order dated September 22, 1988 be and it hereby is amended as set forth in the attached Appendix A.

Done at Frankfort, Kentucky, this 2nd day of December, 1988:

PUBLIC SERVICE COMMISSION

Chairman

Robert M. Davis
Vice Chairman

Spencer Williams, Jr.
Commissioner

ATTEST:

Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC
SERVICE COMMISSION IN CASE NO. 9631 DATED 12/02/88

KU Responses to AG's Second Round

of Discovery.....12/07/88
Intervenors Follow-Up Discovery to KU.....12/14/88
KU Responses.....12/21/88
Intervenor Testimony Filed.....1/11/89
Discovery of Intervenors Testimony.....1/25/89
Intervenors Response.....2/08/89
KU Rebuttal Testimony.....3/01/89
Prehearing Conference.....3/10/89
Hearing to Commence Week of.....3/13/89

Depositions, if any, will be taken within
the time frame provided for in this schedule
as a form of discovery.