

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WOLF CREEK MINING COMPANY, INC.)

COMPLAINANT)

V.)

CASE NO. 90-086)

KENTUCKY UTILITIES COMPANY)

and)

HENDERSON-UNION RURAL ELECTRIC)
COOPERATIVE CORPORATION)

and)

BIG RIVERS ELECTRIC CORPORATION)

DEFENDANTS)

O R D E R

The parties having failed to resolve this matter and the Commission finding that this matter should proceed,

IT IS HEREBY ORDERED that:

1. A formal hearing in this matter shall be held in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, beginning at 9:30 a.m., Eastern Daylight Time, on September 15, 1993 and continuing until completed.

2. Each party may, on or before June 11, 1993, serve upon any other party a request for production of documents and written interrogatories to be answered by the party served within 14 days of service.

3. Each party may, on or before July 9, 1993, serve upon any other party a supplemental request for production of documents and supplemental written interrogatories to be answered by the party served within 14 days of service.

4. Each party may, on or before July 30, 1993, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

5. Each party may, on or before July 30, 1993, serve upon any other party a written request for admission, for purposes of this proceeding only, of the truth of any matters relevant to this proceeding set forth in the request that relate to statements or opinions of fact or of the application of law to fact. The matter is admitted unless within 14 days after service of the request, the party to whom the request is directed serves a written answer or objection upon the requesting party. The form of the request for admission and the answer or objection thereto shall otherwise be governed by Kentucky Civil Rule 36.

6. Each party shall, no later than August 20, 1993, submit a prehearing memorandum which (a) identifies factual and legal issues to be presented, (b) lists all witnesses in the order in which they will testify on direct examination, (c) lists the qualifications of any expert witnesses, and (d) summarizes each witness' expected testimony.

7. Each party shall, no later than August 20, 1993, serve upon all other parties a list and copy of all exhibits which it

will introduce at the formal hearing. All exhibits shall be marked for identification.

8. Each party shall, no later than August 27, 1993, file its written objections to any filed exhibit and the legal basis for such objection. Where no objection is made to an exhibit, it shall be entered into evidence.

9. All preliminary motions and objections, other than objections to exhibits, shall be made no later than August 20, 1993.

10. Copies of all documents served upon any party shall be served upon all other parties and 10 copies of such documents shall be filed with the Commission.

Done at Frankfort, Kentucky, this 28th day of May, 1993.

PUBLIC SERVICE COMMISSION



For the Commission

ATTEST:



Executive Director