

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF FOREST HILLS)
DEVELOPERS, INC., SEWAGE TREATMENT PLANT) CASE NO. 92-561
DIVISION, FOR A RATE ADJUSTMENT)

O R D E R

On December 23, 1992, Forest Hills Developers, Inc. ("Forest Hills") submitted its application seeking to increase its rates pursuant to the Commission's alternative rate filing procedure for small utilities. Milford D. Davis, James Rodgers, Glenn D. Higdon, Garey D. Higdon, Owen C. Hammons, Rev. Thomas W. Pittman, and Virginia Guthrie have been granted intervention in this case.

Commission Staff performed a limited financial review of Forest Hills' operations on March 9, 1993. The Commission established a procedural schedule in an Order dated February 2, 1993 whereby requests for production of documents and written interrogatories could be served by any party on or before February 17, 1993. The requests were to be answered within 14 days of service.

On January 29, 1993, Intervenor Owen C. Hammons, Rev. Thomas W. Pittman, and Virginia Guthrie ("Intervenor Group No. 1") jointly submitted their First Request For Additional Information to Forest Hills. On February 1, 1993, the Attorney General, through his Utility and Rate Intervention Division ("Attorney General"), submitted his Request For Information to Forest Hills Developers,

Inc. Sewage Treatment Plant Division. Neither of these requests were ever answered by Forest Hills.

The Commission modified the February 2, 1993 procedural Order on May 24, 1993, ordering that requests for production of documents and written interrogatories should be served on or before March 31, 1993, to be answered no later than April 14, 1993. To date, Forest Hills has not answered either of the requests it received from the other parties.

On April 20, 1993, the Attorney General filed a Motion to Compel and Motion For Extension with the Commission. Alternatively, the Attorney General requested that this case be dismissed. On April 21, 1993, the Attorney General submitted his Supplemental Request For Production Of Documents And Supplemental Written Interrogatories in the event his April 20, 1993 motions are not granted. On April 22, 1993, Intervenor Group No. 1 filed its Motion to Compel and Motion For Extension wherein it alternatively requests this case be dismissed.

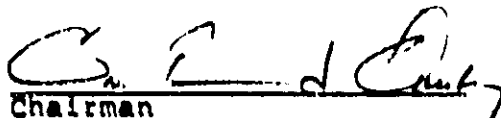
The Commission finds that Forest Hills' lack of response in proceeding with this case has twice rendered it impossible for the other parties to comply with the Commission's procedural Order. The Commission further finds that Forest Hills' apparent lack of interest in its own rate increase request has resulted in an unnecessary expenditure of the other parties' time, money, and other resources.

IT IS THEREFORE ORDERED that this case will be dismissed without prejudice within five days from the date of this Order


unless Forest Hills responds adequately to the information requests submitted in January 1993 by the Attorney General and Intervenor Group No. 1.

Done at Frankfort, Kentucky, this 29th day of April, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director