

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                               |   |                 |
|-------------------------------|---|-----------------|
| AUXIER WATER COMPANY          | ) |                 |
|                               | ) |                 |
| COMPLAINANT                   | ) |                 |
|                               | ) |                 |
| v.                            | ) | CASE NO. 96-362 |
|                               | ) |                 |
| CITY OF PRESTONSBURG AND      | ) |                 |
| PRESTONSBURG CITY'S UTILITIES | ) |                 |
| COMMISSION                    | ) |                 |
|                               | ) |                 |
| DEFENDANTS                    | ) |                 |

O R D E R

The City of Prestonsburg ("Prestonsburg") and the Prestonsburg City's Utilities Commission ("Utilities Commission") having answered the Complaint and it appearing that issues of law and fact are in dispute, the Commission finds that a formal hearing in this matter should be held and a procedural schedule should be established.

IT IS THEREFORE ORDERED that:

1. A formal hearing in this matter shall be held on August 19, 1997 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky, and continuing until completed.

2. Each party may, on or before May 16, 1997, serve upon any other party a request for production of documents and written interrogatories to be answered by the party served within 10 days of service.

3. Each party may, on or before June 5, 1997, serve upon any other party a supplemental request for production of documents and supplemental written interrogatories to be answered by the party served within 10 days of service.

4. Each party may, on or before June 23, 1997, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

5. Each party may, on or before June 23, 1997, serve upon any other party a written request for admission, for purposes of this proceeding only, of the truth of any matter relevant to this proceeding set forth in the request that relates to statements or opinions of fact or of the application of law to fact. The matter is admitted unless, within 10 days after service of the request, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection. 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, on or before July 25, 1997, serve upon the other parties a written summary of the testimony of the witnesses whom it expects to call at the formal hearing, copies of all exhibits to be introduced at that hearing, and all preliminary motions and objections, except objections to exhibits. All exhibits shall be appropriately marked.

7. All documents served upon any party shall be served on all other parties and eight copies of these documents shall be filed with the Commission.

8. As the Complainant bears the burden of proof in this matter, its failure to appear at the formal hearing and to present proof in support of its Complaint may result in the dismissal of its complaint with prejudice.

9. The failure of Defendants to appear at the formal hearing may result in the entry of an Order granting the Complainant's requested relief.

Done at Frankfort, Kentucky, this 29th day of April, 1997.

PUBLIC SERVICE COMMISSION

  
For the Commission

ATTEST:

  
Executive Director