

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WEST SHELBY WATER DISTRICT	)	
	)	
COMPLAINANT	)	
	)	
vs.	)	CASE NO. 99-031
	)	
THE CITY OF SHELBYVILLE, KENTUCKY, A	)	
MUNICIPAL CORPORATION; AND, THE	)	
SHELBYVILLE MUNICIPAL WATER AND SEWER	)	
DISTRICTS	)	
	)	
DEFENDANTS	)	

O R D E R

On June 4, 1999, a second procedural Order was entered upon motion by Complainant, by counsel, which extended all procedural steps for a period of approximately 30 days. The Order was entered without objection by the Defendants. On June 10, 1999, a motion by Defendants was entered into the record which requested that the hearing date (October 8, 1999) be changed. On June 21, 1999 (served by mail June 17, 1999), there was filed in the record a second motion by Complainant requesting that a third procedural Order be entered which would again extend all procedural steps an additional 30 days. The Defendants, by counsel, filed an objection to Complainant's June 21, 1999 motion for extension.

The Commission, being otherwise sufficiently advised, HEREBY ORDERS that:

1. After this extension, further delay of the procedural steps by Complainant will be granted only upon showing of good cause.

2. The motion by Defendants to reschedule the hearing date herein is granted since the Commission grants Complainant's motion to issue a third procedural Order.

3. An informal conference shall be conducted on October 21, 1999, at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky and continue until adjourned. The purpose of the conference shall be to consider any matter which would expedite the handling or disposition of this proceeding, including but not limited to, settlement, simplification of issues and the contents of the record.

4. A formal hearing in this matter shall be held on October 28, 1999 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 2 of the Commission's offices at 677 Comanche Trail, Frankfort, Kentucky .

5. Each party may, on or before July 21, 1999, serve upon any other party a request for production of documents and written interrogatories to be answered by the party served within 15 days of service.

6. Each party may, on or before August 16, 1999, 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.

7. Each party may, on or before September 14, 1999, take the testimony of any person by deposition upon oral examination pursuant to notice or by agreement.

8. On or before October 4, 1999, each party shall file with the Commission in verified form the direct testimony of each witness that it expects to call at the formal hearing.

9. On or before October 18, 1999, each party shall file with the Commission in verified form the testimony of each rebuttal witness that it expects to call at the formal hearing.

10. Nothing contained herein shall preclude the Commission from ordering, on its own motion, either party to respond to the Commission's interrogatories or to produce documents or other materials.

11. Any party may within 14 days of the filing of the hearing transcript with the Commission submit an initial written brief. Reply briefs may be submitted no later than 7 days after the filing of initial briefs. Initial briefs shall not exceed 25 pages in length. Reply briefs shall not exceed 10 pages in length.

12. Copies of all documents served upon any party shall be served on all other parties and filed with the Commission.

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

14. The failure of Defendant 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 15<sup>th</sup> day of July, 1999.

By the Commission

ATTEST:

---

Executive Director

