

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

C & L BUILDERS)	
)	
COMPLAINANT)	
v.)	CASE NO. 2000-460
)	
OLDHAM COUNTY WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

Defendant having answered the complaint and the Commission finding that issues of fact are in dispute and that a procedural schedule should be established to ensure the prompt resolution of this matter, IT IS HEREBY ORDERED that:

1. A formal hearing in this matter shall be held on July 11, 2001 at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, and shall continue until completed.

2. On or before May 28, 2001, each party may serve upon any other party an initial request for production of documents and written interrogatories to be answered by the party served within 10 days of service.

3. On or before June 4, 2001, 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.

4. On or before June 18, 2001, 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.

5. Direct examination of witnesses shall be limited to the authentication and adoption of that written testimony. No summarization of written testimony by the witness shall be permitted.

6. Witnesses who have filed written direct and rebuttal testimony shall present that testimony at the same sitting. Opposing parties may cross-examine such witnesses on both direct and rebuttal testimonies.

7. No opening statements shall be made at the hearing.

8. Within 15 days of the filing of the hearing transcript with the Commission, any party may submit a written brief. Briefs shall not exceed 25 pages in length.

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

10. Motions for extensions of time with respect to the schedule herein shall be made in writing and will be granted only upon a showing of good cause.

11. To be timely filed with the Commission, a document must be received by the Secretary of the Commission within the specified time for filing except that any document shall be deemed timely filed if it has been transmitted by United States express mail, or by other recognized mail carriers, with the date the transmitting agency received said document from the sender noted by the transmitting agency on the outside of the container used for transmitting, within the time allowed for filing.

12. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

13. 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.

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.

15. Within 30 days of the date of this Order, Complainant shall file the following information with the Commission.

- a. The extent of development in the Riverwoods Subdivision.
- b. The approvals from the appropriate government agencies regarding the Riverwoods Subdivision.
- c. Whether the development and/or the sewage collection system is located in the flood plain.

16. Within 30 days of the date of this Order, Defendant shall file the following information with the Commission.

- a. The system-wide cost impact of water treatment on Defendant's system if Defendant is required to extend the line to Complainant.
- b. If an increase in cost occurs as described above, name the parties who will bear the cost of the increase.
- c. Copies of any expert testimony, from any proceeding, in which the expert testified as to the effect of the proposed development on Defendant's well heads and how this may affect the Well Head Protection Act.

Done at Frankfort, Kentucky, this 11th day of May, 2001.

By the Commission

ATTEST:


Executive Director