

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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|--|---|-------------------|
| A SPECIAL CONTRACT BETWEEN HENRY COUNTY |) | |
| WATER DISTRICT NO. 2 AND PEARCE BROTHERS |) | CASE NO. 2001-351 |
| READY MIX CONCRETE & SUPPLY |) | |

ORDER

Pearce Brothers Ready Mix Concrete and Supply Co., Inc. ("Pearce Brothers") has moved to intervene in this proceeding and for an Order permitting its special contract with Henry County Water District No. 2 ("Henry District") to become effective pending the outcome of the Commission's investigation into the reasonableness of this contract. No response to this motion has been filed with the Commission.

Having considered the motion and being otherwise sufficiently advised, the Commission finds that:

1. Pearce Brothers is a party to the special contract that is the subject of this proceeding.
2. Pearce Brothers' intervention is likely to present issues and develop facts that will assist the Commission in fully considering the matter without unduly complicating or disrupting the proceedings.
3. Pearce Brothers' Motion to Intervene should be granted.
4. The proposed water system improvements that are the subject of the proposed special contract are necessary to the operation of Pearce Brothers' manufacturing plant. Unless the construction of the proposed water system begins

immediately, construction and the operation of the Pearce Brothers' manufacturing plant will be placed in jeopardy.

5. Pearce Brothers is willing to make the payments required by the proposed contract.

6. Allowing Henry District to accept the payments set forth in the special contract, subject to the outcome of the Commission's investigation, will not disturb the status quo.

IT IS THEREFORE ORDERED that:

1. Pearce Brothers' Motion to Intervene is granted.

2. Pearce Brothers shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, exhibits, pleadings, correspondence, and all other documents submitted by parties after the date of this Order.

3. Should Pearce Brothers file documents of any kind with the Commission in the course of these proceedings, it shall also serve a copy of said documents on all other parties of record.

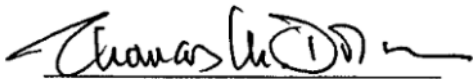
4. The proposed contract between Pearce Brothers and Henry District shall become effective, subject to change, on and after the date of this Order.

5. Henry District is authorized to accept the compensation authorized in the proposed contract and to perform all obligations set forth in the proposed special contract during the pendency of this proceeding.

Done at Frankfort, Kentucky, this 19th day of December, 2001.

By the Commission

ATTEST:

A handwritten signature in black ink, appearing to read "Charles H. [unclear]", written over a horizontal line.

Executive Director