

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

C & L BUILDERS)	
)	
COMPLAINANT)	
V.)	CASE NO. 2000-00460
)	
OLDHAM COUNTY WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

The Commission having granted a rehearing in this matter, and the Oldham County Fiscal Court having moved for full intervention, IT IS HEREBY ORDERED that:

1. The motion of the Oldham County Fiscal Court to intervene is granted.
2. Oldham County Fiscal Court shall be entitled to the full rights of a party and shall be served with the Commission's Orders and with filed testimony, pleadings, exhibits, correspondence, and all other documents submitted by parties after the date of this Order.
3. Should Oldham County Fiscal Court 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. A formal hearing in this matter shall be held on June 18, 2002 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.

5. On or before May 17, 2002, 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.

6. On or before May 31, 2002, 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.

7. On or before June 11, 2002, 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.

8. 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.

9. 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.

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

11. 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.

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

13. 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.

14. 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.

15. 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.

16. 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.

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

18. The issues to be considered at the hearing are the issues Complainant raises in its petition for rehearing and are as follows:

- a. WSAT's recommendation.
- b. The alleged laboratory errors,
- c. Defendant's extension of service to another in the Wellhead

Protection Area.

Done at Frankfort, Kentucky, this 24th day of April, 2002.

By the Commission

ATTEST:


Executive Director