

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION FOR APPROVAL OF THE)	
TRANSFER OF CONTROL OF KENTUCKY-)	
AMERICAN WATER COMPANY TO RWE)	CASE NO. 2002-00018
AKTIENGESELLSCHAFT AND THAMES WATER)	
AQUA HOLDINGS GMBH)	

ORDER

On February 15, 2002, the Commission entered an Order establishing a procedural schedule in this matter. At that time, we found that good cause existed to extend the period for review of the Joint Applicants Application to 90 days. Since the entry of our Order, several disputes have arisen regarding the production of documents and the level of access that should be afforded those documents. On April 2, 2002, we held a hearing to consider, inter alia, these disputes. This hearing was continued to allow the Joint Applicants to produce these documents in a suitable form and to permit Intervenor's the opportunity to review these documents.

Recognizing that the resolution of these disputes is necessary to protect the due process rights of all parties and will require additional time, the Commission finds that good cause exists to extend the review period to 120 days. We further find that the procedural schedule should be amended to provide for the resolution of discovery disputes.

IT IS THEREFORE ORDERED that:

1. The period for reviewing the Joint Application is extended to 120 days.

2. The procedural schedule set forth in our Order of February 15, 2002 is modified and superceded by the schedule set forth in Appendix A to this Order.

3. Joint Applicants Motion to Be Permitted to Present Rebuttal Testimony is granted.

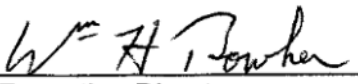
4. The Joint Applicants may present rebuttal testimony to any testimony offered by an intervenor witness at the evidentiary hearing on the merits of their Joint Application.

5. Any intervenor who presents testimony at the evidentiary hearing on the merits of the Joint Applicants Application may present surrebuttal testimony to the rebuttal testimony offered by any witness of the Joint Applicants.

Done at Frankfort, Kentucky, this 3rd day of April, 2002.

By the Commission

ATTEST:

Deputy 
Executive Director

APPENDIX A

AN APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2002-00018 DATED APRIL 3, 2002

Joint Applicants shall deliver no later than 4:30 p.m. to the offices of Intervenor's counsel a copy of all materials for which they seek confidential treatment with those portions obscured for which they seek confidential treatment and shall file five copies of such materials with the Commission 04/05/2002

Intervenor's shall advise the Commission in writing as to whether they desire a hearing on their motions to compel and the Joint Applicants' motions for confidential treatment no later than 4:30 p.m..... 04/08/2002

The Public Hearing in this matter shall resume at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of hearing evidence and argument on all outstanding discovery and confidentiality motions unless the Intervenor's advise the Commission in writing that they do not desire a hearing on such motions..... 04/10/2002

Intervenor's testimony, if any, shall be filed in verified prepared form no later than 04/26/2002

Public Hearing in this matter shall resume at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, for the purpose of cross-examination of witnesses 05/01/2002

Briefs, if any, shall be filed no later than..... 05/17/2002

Commission decision on Joint Applicants' Application shall be issued no later than..... 05/31/2002