

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NORTHERN KENTUCKY)	
WATER DISTRICT FOR (A) FOR AN)	
ADJUSTMENT OF RATES; (B) A)	CASE NO.
CERTIFICATE OF PUBLIC CONVENIENCE)	2002-00105
AND NECESSITY FOR IMPROVEMENTS TO)	
WATER FACILITIES IF NECESSARY; AND)	
(C) ISSUANCE OF BONDS)	

ORDER

In compliance with the procedural schedule established by the Commission in this proceeding, Northern Kentucky Water District (NKWD) submitted a data request to the city of Taylor Mill (Taylor Mill), the city of Walton (Walton) and the Bullock Pen Water District (BPWD) (collectively (Intervenors), on October 18, 2002. In responding to the data requests, the Intervenors objected to Data Requests 3, 4, 5, 6 and 8 based on relevancy and refused to furnish the information requested.

On November 15, 2002, NKWD filed a Motion to Compel requesting that the Commission direct the Intervenors to respond to Data Requests 3, 4, 5, 6 and 8. NKWD argues that the data requests relate to issues raised in the testimony of the Intervenors witnesses. It asserts that it has the right to determine the accuracy of their testimony and the right to an opportunity to adequately prepare for cross-examination of the witnesses. Walton and Taylor filed responses to NKWD's Motion to Compel asserting that the data requests at issue were irrelevant and requesting that the Commission overrule NKWD's motion.

Having reviewed the testimony, the data requests, the Motion to Compel and the responses thereto, the Commission finds that the NKWD s Motion to Compel should be denied. The Commission is not persuaded that Data Requests 3, 4, 5, 6 and 8 are relevant to NKWD s proposed rate increase or related to the Intervenors testimony.

IT IS THEREFORE ORDERED that NKWD s Motion to Compel is denied.

Done at Frankfort, Kentucky, this 16th day of December, 2002.

By the Commission

ATTEST:

Deputy Wm H. Fowler
Executive Director