

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

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

O R D E R

C & L Builders, Inc. (C&L) filed a motion to take depositions out of time. At the December 11, 2002 hearing, Commissioner Robert Spurlin directed C&L to depose certain expert witnesses within 20 days of the date of the hearing. Commissioner Spurlin also directed C&L to inform the Commission if the witnesses could not be deposed within the specified time.

Oldham County Water District (OCWD) opposes the motion to extend time. OCWD argues that C&L had ample time in which to file testimony prior to the December 11, 2002 hearing. OCWD also objects to the depositions generally because OCWD cannot prepare testimony to rebut the depositions of the witnesses.

The Commission finds that the taking of depositions is necessary to the resolution of this case and shall allow them to be taken out of time. Should OCWD deem it necessary to rebut the depositions, it may file, within 10 days of the close of the depositions authorized herein, a motion to present rebuttal testimony, stating with

particularity the portions of the testimony to be rebutted. The Commission will take said motion under consideration.

IT IS THEREFORE ORDERED that:

1. C&L shall have an additional 20 days from the date of this Order in which to depose its expert witnesses.

2. The date by which to file briefs is hereby amended from February 1, 2003 to March 1, 2003.

Done at Frankfort, Kentucky, this 23rd day of January, 2003.

By the Commission

ATTEST:


Executive Director