

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF DOE VALLEY)	
UTILITIES, INC. FOR)	
DETERMINATION AS TO)	
JURISDICTIONAL STATUS OF)	CASE NO. 2003-00360
DOE VALLEY UTILITIES, INC.)	
AND ADDITIONAL OR)	
ALTERNATIVE DETERMINATIONS)	

O R D E R

Doe Valley Utilities, Inc. (Doe Valley) has filed an application requesting the Commission to determine that Doe Valley is not a public utility as defined in KRS 278.010 and is, therefore, non-jurisdictional to the Commission. A second issue is whether the Commission can authorize Doe Valley to cease service to certain customers.

The Commission finds that it is necessary to institute a procedural schedule so that evidence may be filed to establish a record in this case, upon which the Commission can arrive at a decision. The Commission will then determine if a formal hearing should be scheduled or the matter submitted to the Commission for a decision.

While Meade County Water District (Meade County) is not a party in this matter, its proximity to and willingness to serve some of the affected customers of Doe Valley requires Meade County's full cooperation in this proceeding.

The memoranda, requested in the procedural schedule from the parties, should address the facts or evidence the parties consider necessary to determine when a public utility may be found to no longer offer service to or for the public, and the authority to approve relinquishment of service to certain customers.

The Commission, on its own motion, HEREBY ORDERS that:

1. The procedural schedule set forth in Appendix A to this Order shall be followed.
2. At any hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.
3. The parties may present rebuttal testimony to any testimony offered by any witness at any evidentiary hearing on the merits of the application.
4. All interrogatories and requests for production of documents shall be appropriately indexed. All responses shall include the name of the witness who will be responsible for responding to the questions related to the information provided.
5. Any document or pleading filed with the Commission shall be served upon all parties. Service of any document or pleading shall be made in accordance with 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.
6. All documents that the Commission requires any party to file with the Commission shall also be served upon all parties of record at or before the time of filing.
7. 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.

Done at Frankfort, Kentucky, this 21st day of November, 2003.

By the Commission

ATTEST:


Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2003-00360 DATED NOVEMBER 21, 2003

Parties shall file written memoranda on the appropriate
scope of the proceeding no later than 12/08/2003

Intervenors and Commission Staff may serve interrogatories
and requests for production of documents upon Doe Valley
no later than 12/12/2003

Doe Valley shall file with the Commission
and serve upon all parties of record its responses to
interrogatories and requests for production of
documents no later than..... 12/22/2003

Doe Valley and intervenors shall file the testimony of
their witnesses in verified written form no later than 01/16/2004

Last day for Doe Valley to publish notice of hearing date.....(to be scheduled)

Formal hearing at the Commission s offices, 211 Sower
Boulevard, Frankfort, Kentucky, for the purpose of
cross-examination of witnesses(to be scheduled)