

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

DATHAN LEE LANE)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2002-00414
)	
GARRARD COUNTY WATER ASSOCIATION)	
)	
DEFENDANT)	

and

DONALD PARKER)	
)	
COMPLAINANT)	
)	
V.)	CASE NO. 2003-00399
)	
GARRARD COUNTY WATER ASSOCIATION)	
)	
DEFENDANT)	

O R D E R

Dathan Lee Lane and Donald Parker (“Complainants”), in separate complaints against Garrard County Water Association, have raised similar issues before the Commission regarding Garrard County Water Association’s policy regarding meter placement and extensions of service. The Commission finds that, because the cases are similar, they should be consolidated.

Defendant having answered the complaints and the Commission finding that issues of fact are in dispute and that a procedural schedule should be established to ensure the prompt resolution of this matter, IT IS HEREBY ORDERED that:

1. Case No. 2002-00414 and Case No. 2003-00399 are hereby merged into Case No. 2003-00399. Case No. 2002-00414 is hereby closed and shall be removed from the Commission's docket.

2. From the date of this Order, the parties shall use the following case style on all documents filed in this case:

DATHAN LEE LANE AND)	
DONALD PARKER)	
)	
COMPLAINANTS)	
)	
V.)	CASE NO. 2003-00399
)	
GARRARD COUNTY WATER ASSOCIATION)	
)	
DEFENDANT)	

3. A formal hearing in this matter shall be held on April 7, 2004 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.

4. The official record of the proceeding shall be by video only, unless otherwise requested by a party to this proceeding within 10 days of the date of this Order.

5. On or before March 12, 2004, 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 March 22, 2004, each party shall file with the Commission the direct testimony of each witness that it expects to call at the formal hearing or any other evidence which the parties plan to introduce at hearing.

7. On or before April 1, 2004, each party shall file with the Commission 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 30 days after the hearing, 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 on 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 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 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

16. As the Complainants bear the burden of proof in this matter, their failure to appear at the formal hearing and to present proof in support of their complaints may result in the dismissal of their complaints with prejudice.

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

Done at Frankfort, Kentucky, this 24th day of February, 2004.

By the Commission

ATTEST:


Executive Director

Case No. 2002-00414
Case No. 2003-00399