

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

EXAMINATION OF THE OPERATION AND)
REASONABLENESS OF THE OFFSETTING) CASE NO. 2006-00191
IMPROVEMENT CHARGE OF HENRY COUNTY)
WATER DISTRICT NO. 2)

ORDER

Henry County Water District No. 2 (“Henry District”) has moved to modify provisions of the existing procedural schedule to permit it additional time to submit its filed testimony. In support of its motion, Henry District states that additional time is necessary “for the District’s witnesses to prepare and submit their testimony as closely as possible to the hearing date so that issues and information within that testimony will be as close as contemporaneous to the date of the hearing.” It further states that its counsel requires additional time to ensure that he has “an opportunity to be able to review the written statements of the witnesses before same are submitted to the Public Service Commission.”

We note that this matter was originally scheduled for hearing on May 1, 2007 and was subsequently rescheduled with the agreement of both parties’ counsel for July 31, 2007.¹ When rescheduling this matter on April 25, 2007, the Commission afforded both parties over 60 days in which to prepare and submit the written testimony

¹ See Letter of Beth O’Donnell to Parties of Record (June 21, 2007) (containing copies of the electronic mail messages between the parties’ counsel and Commission Staff regarding a new hearing date).

of their witnesses. Neither party objected to the hearing date or date for submission of written testimony until June 20, 2007.

The Commission finds that, notwithstanding the considerable amount of time that the parties have been given to prepare for the scheduled hearing, Henry District's motion should be granted. We place the parties on notice, however, that no further requests for extensions or modifications to the procedural schedule will be entertained absent compelling reason.

IT IS THEREFORE ORDERED that:

1. Henry District's Supplemental Motion is granted.
2. A hearing shall be held in this matter on September 13, 2007, beginning at 9:00 a.m., Eastern Daylight Time, in Hearing Room 1 of the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky.
3. Each party shall file the testimony of each of its witnesses in verified prepared form no later than August 13, 2007.
4. A teleconference shall be held in this matter on September 10, 2007, beginning at 11:00 a.m., for the purpose of discussing procedural issues related to the hearing. Persons may access the conference by calling (502) 564-3940 and requesting Extension 7098.
5. Each party shall limit its opening and closing statements to 10 minutes each.
6. Direct examination of witnesses shall be generally limited to the authentication and adoption of that written testimony. A witness may briefly summarize his or her written testimony, but such summarization shall not exceed 5 minutes in length.

7. Each party to this proceeding shall file a written brief with the Commission no later than October 31, 2007 on the issues presented in this matter. At a minimum, this brief shall address the issues set forth in Appendix A to the Commission's Order of January 5, 2007.

8. Henry District shall publish notice of the scheduled hearing in a newspaper of general circulation in the areas that will be affected one time not less than 7 nor more than 21 days prior to the hearing. This notice shall state the purpose, time, place and date of the hearing. Henry District shall file proof of publication of this notice with the Commission no later than September 12, 2007.

Done at Frankfort, Kentucky, this 13th day of July, 2007.

By the Commission

ATTEST:



Executive Director