

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

JIMMY HARSTON and)	
RANDY HARSTON)	CASE NO.
)	2007-00310
COMPLAINANTS)	
)	
v.)	
)	
ALLEN COUNTY WATER DISTRICT)	
)	
DEFENDANT)	

O R D E R

Jimmy Harston and Randy Harston (“Harstons”) have filed a complaint against Allen County Water District (“Allen District”), alleging that Allen District is required to supply water to Phase II of the Riverbend Ridge Subdivision at its sole expense pursuant to Allen District’s tariff. Allen District has denied this and further claims that, under its tariff, the Harstons are required to pay for enlarging its existing 3-inch line along Erwin Road in order for it to serve Phase II of Riverbend Ridge. Finding that a procedural schedule should be established for this proceeding, the Commission, on its own motion, HEREBY ORDERS that:

1. A formal hearing on whether Allen District is permitted to charge the Harstons the cost of enlarging its existing 3-inch line along Erwin Road in order to serve Phase II of Riverbend Ridge shall be held on February 26, 2008, beginning at

10:00 a.m., Eastern Standard Time, at the Commission's offices at 211 Sower Boulevard, Frankfort, Kentucky, and shall continue until completed.

2. Each party may, on or before December 21, 2007, serve upon any other party a request for production of documents and written interrogatories to be answered by the party served no later than January 11, 2008. Issuance of and any response to any request for production of documents and written interrogatories shall be made in accordance with Kentucky Civil Rules and shall comply with the following procedures:

a. Responses to requests for information shall be appropriately bound, tabbed, and indexed and shall include the name of the witness responsible for responding to the questions related to the information provided, with copies to all parties of record and 8 copies to the Commission.

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or association or a governmental agency, be accompanied by a signed certification of the preparer or person supervising the preparation of the response on behalf of the entity that the response is true and accurate to the best of that person's knowledge, information, and belief formed after a reasonable inquiry.

c. Any party shall make timely amendment to any prior responses if it obtains information which indicates that the response was incorrect when made or, though correct when made, is now incorrect in any material respect.

d. For any requests to which a party fails or refuses to furnish all or part of the requested information, that party shall provide a written explanation of the specific grounds for its failure to completely and precisely respond.

3. Each party shall, no later than January 18, 2008, serve upon all other parties a list of the witnesses that it expects to call and a brief summary of each witness's expected testimony.

4. The parties shall file with the Commission any preliminary motions in this matter no later than January 28, 2008.

5. The scope of the scheduled hearing shall be limited to those issues relating to whether or not Allen District is permitted under its tariff to charge the Harstons the cost of enlarging its existing 3-inch line along Erwin Road in order for Allen District to serve Phase II of Riverbend Ridge.

6. Opening statements will be permitted at the scheduled hearing in this matter, but shall not exceed 5 minutes in length.

7. Copies of all documents served upon any party shall be served on all other parties and filed with the Commission, as stated above.

8. 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.

9. Service of any document or pleading shall be made in accordance with Administrative Regulation 807 KAR 5:001, Section 3(7), and Kentucky Civil Rule 5.02.

Done at Frankfort, Kentucky, this 7th day of December, 2007.

By the Commission

ATTEST:



Executive Director