

Kentucky, as a barn, it should be billed under the “New Service to Barns, Camps, Pumps and Miscellaneous Service Not Considered Permanent Premises” tariff.²

Following the Complaint and Answer, the Commission promulgated two sets of requests for information to which the parties responded.

An informal conference was then held at the Commission’s offices in Frankfort, Kentucky, on July 1, 2013. At the close of this conference, Commission Staff presented several procedural options to Complainant and Jackson Purchase: (1) the parties could submit the record, as it stands, to the Commission for a decision; (2) the parties could tender briefs addressing the issues in the case and then have the case submitted for a decision; or (3) a procedural schedule could be established providing for discovery and a hearing. Both parties agreed to submit memoranda to the Commission setting forth their preference for one of the procedural options presented by Commission Staff. On August 22, 2013, having not received memoranda from the parties, Commission Staff contacted Complainant and Jackson Purchase via email to request their responses. Complainant responded by email, requesting a hearing and a procedural schedule. Jackson Purchase did not respond. On September 20, 2013, the Commission issued an Order requesting formal responses from both parties regarding their preferences for one of the procedural options that had been presented by Commission Staff at the July 1, 2013 informal conference.

On September 23, 2013, Jackson Purchase submitted a letter asserting that it “does not believe an evidentiary hearing will be helpful in the resolution of this matter as the issue before the Commission is the correct interpretation and application of

² Answer of Jackson Purchase at 2 (filed Feb. 21, 2013).

[Jackson Purchase]’s tariffs.”³ Jackson Purchase requested that the parties be allowed to submit briefs in this matter, along with any additional evidence on outstanding issues.⁴

On September 26, 2013, Complainant filed a letter in which he requested an evidentiary hearing before the Commission.⁵ He also asked that the Commission set forth discovery deadlines and deadlines for submission of evidence.⁶

The Commission finds that there are outstanding factual issues in this matter, and that a hearing is necessary for the resolution of this case. Therefore, the Commission finds that a procedural schedule should be established and a hearing should be scheduled.

Based on the foregoing, IT IS THEREFORE ORDERED that:

1. The procedural schedule set forth in the Appendix to this Order shall be followed in this proceeding.

2. a. All requests for information and responses thereto shall be appropriately bound, tabbed, and indexed and the original and ten copies shall be filed with the Commission, with copies to all parties of record. Any request for information by letter from the Commission Staff shall be responded to as if set forth in a Commission Order. All responses shall include the name of the witness responsible for responding to questions related to the information provided.

³ *Id.*, Letter from Melissa D. Yates, Attorney for Jackson Purchase Energy Corporation, to Jeff Derouen, Executive Director, Kentucky Public Service Commission (Ky. PSC Sept. 23, 2013).

⁴ *Id.*

⁵ *Id.*, Letter from Roy. G. Collins, Complainant, to Jeff Derouen, Executive Director, Kentucky Public Service Commission (Ky. PSC Sept. 26, 2013).

⁶ *Id.*

b. Each response shall be answered under oath or, for representatives of a public or private corporation or a partnership or an 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. A party shall make timely amendment to any prior response 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 request 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. Any party filing testimony shall file an original and six copies with the Commission, with copies to all parties of record.

4. At any public hearing in this matter, neither opening statements nor summarization of direct testimony shall be permitted.

5. Any objections or motions relating to discovery or procedural dates shall be filed within four business days' notice or the filing party shall explain, in writing, why such notice was not possible.

6. 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.

7. Nothing contained herein shall prevent the Commission from entering further Orders in this matter.

By the Commission

ENTERED
OCT 17 2013
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:



Executive Director

Case No. 2013-00052

APPENDIX

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 2013-00052 DATED **OCT 17 2013**

Initial requests for information shall be filed no later than 11/1/2013

Responses to initial requests for information shall be
filed no later than11/22/2013

Simultaneous direct testimony in verified form
shall be filed no later than 12/06/2013

Supplemental requests for information
shall be filed no later than 12/20/2013

Responses to supplemental requests for information
shall be filed no later than01/13/2014

Simultaneous rebuttal testimony
in verified form shall be filed no later than01/24/2014

Public Hearing will be held at the
Commission's offices in Frankfort, Kentucky,
beginning at 10:00 a.m. Eastern Standard Time, on02/11/2014

Simultaneous post hearing briefs shall be filed no later than03/11/2014

Simultaneous post-hearing reply briefs
shall be filed no later than03/25/2014

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