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JAN 08 2010

**PUBLIC SERVICE
COMMISSION**

January 8, 2010

Mr. Jeff DeRoun
Executive Director
Kentucky Public Service Commission
P.O. Box 615
211 Sower Boulevard
Frankfort, Kentucky 40602-0615

RE: In the Matter of: James S. Wayne v. Henry County Water District No. 2

Dear Mr. DeRouen

Enclosed find one original and four copies of our Joint Motion to Amend Procedural Schedule and Request for Informal Conference.

Very truly yours,


W. Henry Graddy, IV

CC: Hon. Glenna Jo Curry
James S. Wayne

Enclosures

WHG: dtr

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COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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JAN 08 2010

PUBLIC SERVICE
COMMISSION

IN THE MATTER OF:

**JAMES S. WAYNE, INDIVIDUALLY AND AS)
TRUSTEE OF THE JAMES S. WAYNE)
LIVING TRUST)**

COMPLAINANT)

VS.)

HENRY COUNTY WATER DISTRICT #2)

DEFENDANT)

CASE NO. 2009-00264

**JOINT MOTION TO AMEND PROCEDURAL
SCHEDULE; JOINT REQUEST FOR
INFORMAL CONFERENCE**

Comes the Complainant, James S. Wayne, by and through counsel and submits this Joint Motion to Amend Procedural Schedule and Joint Request for Informal Conference, as follows, to wit;

JOINT MOTION TO AMEND PROCEDURAL SCHEDULE

1. By Order entered October 23, 2009, the Public Service Commission directed that both parties shall file with the Commission the direct testimony of the witnesses for that party in written verified form not later than January 8, 2010.
2. The said October 23, 2009 Order further directed that any request for an informal conference shall be filed not later than 1/15/2010.

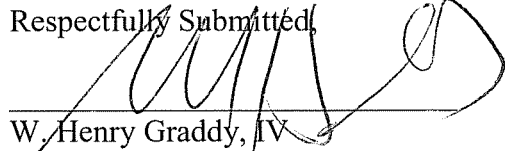
3. Subsequent to the exchange of discovery as provided in the said October 23, 2009 Order, the Complainant and Defendant have voluntarily agreed to supplement their respective requests for additional information and production of documents, and this voluntary exchange is currently ongoing. In addition, based upon the discovery to date, these Parties have agreed to explore settlement, and these discussions are currently ongoing.
4. In light of the potential that this matter may be resolved without unneeded litigation expense, on Tuesday, January 5, 2010, the undersigned discussed with counsel for the Defendant, the Hon. Glenna Jo Curry, a request to seek to amend the October 23, 2009 Order to postpone the date for filing direct testimony, and both counsel were in agreement that it was premature to file such testimony at this time.
5. Thereafter, the undersigned attempted to reach the Hon. Virginia Gregg to discuss the procedure to seek such amendment to the Order and to request that she concur in the request, and that conversation took place yesterday, January 7, 2010.
6. The Hon. Glenna Jo Curry has reviewed this joint motion on January 7, 2010 and is in agreement with the statements contained therein.

WHEREFORE, Based upon the foregoing, the Complainant and Defendant Jointly **MOVE** the Commission to amend the procedural schedule set forth in the October 23, 2009 Order to remove the date of 1/08/2010 as the date for both parties to file direct written testimony from all witnesses, and to order that such date shall be set by agreement at the informal conference, unless otherwise ordered by the Commission.

JOINT REQUEST FOR AN INFORMAL CONFERENCE

Based upon the foregoing agreement between counsel for Complainant and Defendant to explore settlement, both Parties now join in this Joint Request for an Informal Conference.

Respectfully Submitted,



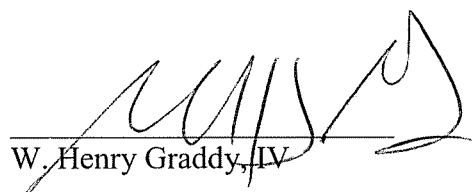
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion for Additional Time has been served upon the following parties by mailing the same, U.S. first class postage pre-paid to the following:

Hon. Glenna Jo (Jody) Curry
900 East Mt. Zion Road
Crestwood, KY 40014

This the 8 day of January, 2010.



W. Henry Graddy, IV