COMMONWEALTH OF KENTUCKY BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:		
BENT TREE CONDOMINIUM ASSOCIATION)))) CASE NO.	
COMPLAINANT		
V.)	2019-00133
KENTUCKY-AMERICAN WATER COMPANY)	
DEFENDANT)	

ORDER

On November 5, 2019, Bent Tree Condominium Association (Bent Tree) filed a motion for leave to file requests for information to Kentucky-American Water Company (Kentucky-American) and attached the proposed discovery requests to the motion. In the motion, Bent Tree argues that in order to be afforded procedural and substantive due process in resolving its complaint, and to fully develop the record, it is entitled to issue the proposed discovery. On November 12, 2019, Kentucky-American filed a response to Bent Tree's motion, and asserted that further discovery was not necessary because the Commission already had all of the information necessary to rule on Kentucky-American's pending motion to dismiss. Kentucky-American further contended that no amount or type of discovery will change the fundamental facts that water flowed through the subject

¹ Bent Tree's Motion at 1-2.

² Kentucky-American's Response at 1.

meter, and that the meter tested accurately.³ On November 18, 2019, Bent Tree filed a reply to Kentucky-American's response and argued that there were many questions that remain unanswered, and thus, Bent Tree should be allowed to issue its discovery in order to determine the reason behind the unusually high consumption rates associated with the Kirklevington meter between July 2017 and May 2018.⁴

Having reviewed the evidentiary record and being otherwise sufficiently advised, the Commission finds that due to the fact that the Commission is still in the process of issuing discovery to the parties in order to fully develop the record to resolve the Complaint, there is good cause to grant Bent Tree's motion. Thus, Bent Tree is granted leave to issue the discovery requests to Kentucky-American, which are attached to its motion.

It is HEREBY ORDERED that Bent Tree's motion for leave to file requests for information to Kentucky-American is granted.

³ Id.

⁴ Bent Tree's Reply at 4.

By the Commission

ENTERED

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KENTUCKY PUBLIC SERVICE COMMISSION

ATTEST:

Executive Director

*Dennis G Howard II Howard Law PLLC 740 Emmett Creek Lane Lexington, KENTUCKY 40515

*Kentucky-American Water Company 2300 Richmond Road Lexington, KY 40502

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*Honorable Lindsey W Ingram, III Attorney at Law STOLL KEENON OGDEN PLLC 300 West Vine Street Suite 2100 Lexington, KENTUCKY 40507-1801