



Ernie Fletcher
Governor

Teresa J. Hill, Secretary
Environmental and Public
Protection Cabinet

Christopher L. Lilly
Commissioner
Department of Public Protection

Walter Callihan
P. O. Box 17
Argillite, KY 41121

Commonwealth of Kentucky
Public Service Commission
211 Sower Blvd.
P.O. Box 615
Frankfort, Kentucky 40602-0615
Telephone: (502) 564-3940
Fax: (502) 564-3460
psc.ky.gov

Mark David Goss
Chairman

John W. Clay
Commissioner

November 29, 2006

RE: Case No. 2006-00495

We enclose one attested copy of the Commission's Order in the above case.

Sincerely,

A handwritten signature in black ink, appearing to read "Beth O'Donnell".

Beth O'Donnell
Executive Director

BOD/jc
Enclosure



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President and CEO
Grayson R.E.C.C.
109 Bagby Park
Grayson, KY 41143

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109 Bagby Park
Grayson, KY 41143

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

WALTER CALLIHAN)
)
COMPLAINANT)
)
v.) CSE NO. 2006-00495
)
GRAYSON RURAL ELECTRIC)
COOPERATIVE CORPORATION)
)
DEFENDANT)

ORDER TO SATISFY OR ANSWER

Grayson Rural Electric Cooperative Corporation (“Grayson”) is hereby notified that it has been named as defendant in a formal complaint filed on November 17, 2006, a copy of which is attached hereto.

Pursuant to 807 KAR 5:001, Section 12, Grayson is HEREBY ORDERED to satisfy the matters complained of or file a written answer to the complaint within 10 days from the date of service of this Order.

Should documents of any kind be filed with the Commission in the course of this proceeding, the documents shall also be served on all parties of record.

Done at Frankfort, Kentucky, this 29th day of November, 2006.

ATTEST:



Executive Director

By the Commission

RECEIVED

NOV 17 2006

PUBLIC SERVICE
COMMISSION

Case No. 2006-00495

Commonwealth of Kentucky
Before the Public Service Commission

Walter Callihan

Complainant

vs.

Crapson Rural Electric Cooperative Defendant

Complaint

Comes now Walter Callihan and hereby ^{his} files Complaint before the Kentucky Public Service Commission of Frankfort, Kentucky as set out here-in as follows:

Walter Callihan referred to here and after as Callihan falls under the jurisdiction of Crapson Rural Electric, allotted jurisdiction territory, allotted by the Kentucky Public Service Commission.

Approximately, 3 week ago Callihan

Made a request for Electric Service at Grayson Rural Electric. Referred to here and after as Grayson. Grayson refused to sell Callihan Electric Service.

Grayson alleged that Callihan owed them \$707.26 for electric service that Grayson provided to Callihan app. 5 years ago. Which Callihan denies having owed, however, whether or not Callihan owed Grayson \$707.26 is now mute. Grayson never brought an action in the District Court or ^{made} any other effort to collect the amount they alleged Callihan owed.

Since Grayson failed to bring an action within the proper statute of limitation that bars all action for goods delivered under the statute. Grayson is barred by the statute of limitations KRS. 355.2-105 (2) the sale of electricity was a sale of goods governed by the provisions of KRS. Chapter 355; and (3) any action involving the sale of ~~the~~ electricity was governed by the 4-year statute of limitations contained in KRS. 355.2-705. According to the Ky Court of Appeals rulings

in Anderson v Berea and other appellate rulings.

The decision is in accord with neighboring jurisdiction. See, e.g. Helvey v. Wabash County Remc 278 N.E. 2d. 608 (Ind. Ct. App., 1972); Cincinnati Gas & Electric Co. v. Goebel, 502 N.E. 2d 713 (Ohio Mun. 1986). Based upon the holding in Anderson, supra, the Commission concludes that any legal proceedings to collect the Callihans' debt are barred by KRS. 355.2-725.

It is clear by evidence where by the appellate courts have spoken and mandated and honored the statute of limitations on goods and services delivered in the great Commonwealth of Kentucky. Therefore, it is crystal clear that no debt is owed to Grayson by Callihan. The statute of limitations cares all argument that Callihan clearly does not owe Grayson "one red cent."

This Plaintiff moves this Commission for an ordering Grayson Rural Electric to commence selling water Callihan electricity to his Meat Packing Plant,

His Water Pumping Velocity and also
his residence.

Respectfully,
~~Walter Callihan~~
Walter Callihan
P.O. Box 17,
Argillite, Ky 41121

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. Addressee's Address
2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

*Carol Fraley
Grayson Recd
109 Bagby Park
Grayson, KY 41143*

4a. Article Number

7005 1820 0006 1154 7857

4b. Service Type

- | | |
|---|---|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt for Merchandise |

7. Date of Delivery

11-30-06

5. Signature (Addressee)

8. Addressee's Address (Only if requested and fee is paid)

6. Signature (Agent)

PS Form 3811, December 1991

★U.S. GPO: 1992-323-402

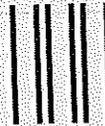
DOMESTIC RETURN RECEIPT

06-495 1129106 JDC

Thank you for using Return Receipt Service.

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