

**DAMON R. TALLEY, P.S.C.**

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**DAMON R. TALLEY**

**ATTORNEY AT LAW**

February 4, 2005

Mr. Beth O'Donnell  
Executive Director  
Public Service Commission  
P.O. Box 615  
Frankfort, KY 40602

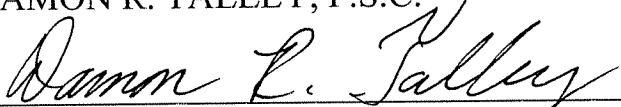
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RE: Garrard County Water Association, Inc.  
Case No. 2005-00009

Dear Ms. O'Donnell:

Enclosed for filing are the original and ten (10) copies of the Motion to Dismiss which is being filed on behalf of Garrard County Water Association, Inc.

Yours truly,  
DAMON R. TALLEY, P.S.C.

  
\_\_\_\_\_  
DAMON R. TALLEY, ATTORNEY FOR  
GARRARD COUNTY WATER  
ASSOCIATION, INC.

DRT:ln

Enclosures

cc: Garrard County Water Association, Inc.  
Calvin Vaughn

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PUBLIC SERVICE COMMISSION

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF:

|  |   |                     |
|--|---|---------------------|
| CALVIN VAUGHN                          | ) |                     |
|  | ) |                     |
| COMPLAINANT                            | ) |                     |
|  | ) |                     |
| VS.                                    | ) | CASE NO. 2005-00009 |
|  | ) |                     |
| GARRARD COUNTY WATER ASSOCIATION, INC. | ) |                     |
|  | ) |                     |
| DEFENDANT                              | ) |                     |

**MOTION TO DISMISS**

Comes the Garrard County Water Association, Inc. ("Garrard Water"), by Counsel, and for its Motion to Dismiss the Complaint filed by Calvin Vaughn ("Vaughn"), states as follows:

1. Mr. Vaughn already has water service to his property located on Kentucky Highway 1295 in Garrard County, Kentucky.
2. Apparently, the only relief sought by Vaughn is for the Public Service Commission (the "Commission") to order Garrard Water to install a water meter for Danny Ray Adams ("Adams").

3. Danny Ray Adams has filed a separate Complaint against Garrard Water (See Case No. 2005-00008). Garrard Water will be filing an Answer to the Complaint filed by Adams. It is not necessary for Vaughn to “carry water” for Adams. The Adams case should be decided on its own merits.

4. The Commission lacks the authority to order Garrard Water to install a water meter for Adams simply because Vaughn complains to the Commission.

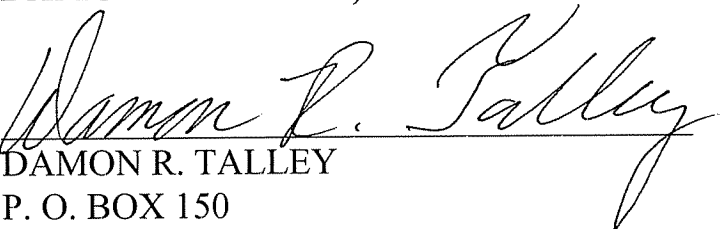
5. Therefore, this Complaint case filed by Vaughn should be dismissed.

6. **In the alternative**, should the Commission overrule Garrard Water’s Motion to Dismiss, Garrard Water moves for the Commission to consolidate the Vaughn Case with the Adams Case (2005-00008).

For the foregoing reasons, Garrard Water respectfully requests the Public Service Commission to dismiss the Complaint filed by Vaughn. **In the alternative**, Garrard Water respectfully requests the Public Service Commission to consolidate this case with Case No. 2005-00008 filed by DANNY RAY ADAMS.

Respectfully Submitted,

**DAMON R. TALLEY, P.S.C.**



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ATTORNEY FOR GARRARD COUNTY  
WATER ASSOCIATION, INC.

**CERTIFICATE OF SERVICE**

This is to certify that I have mailed a true copy of the foregoing pleading this 4<sup>th</sup> day of February, 2005, to the following:

Calvin Vaughn  
142 Vaughn Way  
Lancaster, KY 40444

Harold C. Ward  
Garrard County Water Association, Inc.  
P. O. Box 670  
Lancaster KY 40444-0670

  
DAMON R. TALLEY



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**F R O M**

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