

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION  
CASE NO. 2005-00280

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In the Matter of:

NOV 14 2005

PUBLIC SERVICE  
COMMISSION

WALTER CALLIHAN and  
GOLDHIE CALLIHAN,

PLAINTIFFS,

VS.

*RESPONSE AND MOTION*

GRAYSON RURAL ELECTRIC  
COOPERATIVE CORPORATION,

DEFENDANT.

Comes now the Defendant, Grayson Rural Electric Cooperative Corporation and for its response to the motion of the Plaintiffs for a continuance and for its own motion states as follows:

1. The Plaintiffs have set forth no proffer of the testimony of the witness, claimed by the Plaintiff to be their "main witness". The Defendant respectfully submits that if the Plaintiffs had put forth an Affidavit of what the witness's testimony was going to be that the Defendant would then have the opportunity to determine whether it could stipulate to that evidence or whether a continuance would be in the best interest of the Defendant. If the Plaintiffs could simply set forth an Affidavit from that witness of that witness's anticipated testimony then it may be that a continuance would not be necessary as the Defendant may stipulate to that evidence.
2. Furthermore the Plaintiffs have not set forth the name of the witness who is seriously ill or what that witness's testimony would be similar to the other "main witness".

3. The Defendant respectfully submits that if the Plaintiffs cannot go forward on November 15<sup>th</sup> that this matter should simply be dismissed so that this matter may be removed from the docket of the Commission and be finally dismissed.
4. With respect to the Plaintiffs' motion that the Defendant turn over the name, address and phone number of the Defendant's liability insurance carrier then the Defendant objects to same as same has nothing to do with the instant proceeding, liability insurance is not applicable to the matters raised in the complaint and there is no rational nor legal basis upon which the Commission has authority to grant such a request.

**WHEREFORE** the Defendant prays for the appropriate Order as requested hereinabove and all other relief to which it may appear to be entitled.

RESPECTFULLY SUBMITTED,

W. JEFFREY SCOTT, P.S.C.

BY: 

ATTORNEY FOR GRECC  
P.O. BOX 608  
GRAYSON, KY 41143  
(606) 474-5194

This is to certify that the foregoing has been served upon the parties herein by mailing a true and correct copy of same to:

Mr. Walter Callihan  
Mrs. Goldie Callihan  
P.O. Box 17  
Argillite, KY, 41121

This 11<sup>th</sup> day of November, 2005.

