

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

IN THE MATTER OF:

CARROLL COUNTY WATER DISTRICT NO.1 )  
 )  
COMPLAINANT )  
 )  
VS. )  
 )  
WHITEHORSE DEVELOPMENT CO. )  
 )  
INTERVENING COMPLAINANT )  
 )  
VS. )  
 )  
GALLATIN COUNTY WATER DISTRICT )  
 )  
DEFENDANT )

RECEIVED  
OCT 11 2007  
PUBLIC SERVICE  
COMMISSION

CASE NO. 2007-00202

MOTION TO SHOW CAUSE

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NOTICE

Please take notice that the following Motion will be brought on for hearing before the Public Service Commission on **Thursday, November 1, 2007**, in Hearing Room 1 of the Commission's Office, 211 Sower Boulevard, Frankfort, Kentucky, at **9:00 a.m. E.S.D.T.**, or as soon thereafter as same can be heard.

MOTION

Comes now the Complainant Carroll County Water District No. 1 and moves this Commission to enter an Order holding the Defendant Gallatin County Water District in contempt of this Commission's Order inasmuch as it failed and refused to abide by the Commission's Order

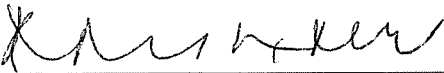
CRAWFORD & BAXTER, P.S.C.  
ATTORNEYS-AT-LAW  
CARROLLTON, KY

of August 1, 2007, in that it has continued to construct a water line within the territorial boundaries of the Complainant despite its agreement not to do so. In support of this Motion, the affidavit of James L. Smith is attached hereto as Exhibit 1 and incorporated herein by reference.

WHEREFORE, the Complainant Carroll County Water District No. 1 requests this Commission to grant the relief requested herein and such other relief to which it may be entitled.

CRAWFORD & BAXTER, P.S.C.  
ATTORNEYS AT LAW  
523 Highland Avenue  
P.O. Box 353  
Carrollton, Kentucky 41008  
Phone: (502) 732-6688  
Facsimile: (502) 732-6920  
E-mail Address: CBJ523@aol.com

Attorneys for Complainant  
Carroll County Water District No. 1

By:   
Ruth H. Baxter

CERTIFICATE OF SERVICE

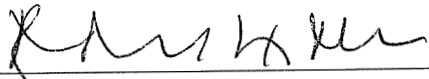
This is to certify that a true and correct copy of the foregoing Motion to Show Cause was mailed postage prepaid, on this the 10th day of October, 2007, to:

Hon. Stephen P. Huddleston  
P.O. Box 807  
Warsaw, Kentucky 41095  
Attorney for Defendant

Hon. Dennis R. Williams  
Adams, Stepler, Woltermann & Dusing, P.L.L.C.  
40 West Pike Street  
P.O. Box 861  
Covington, Kentucky 41012-0861  
Attorneys for Intervenor

and the original to:

Commonwealth of Kentucky  
Public Service Commission  
211 Sower Boulevard  
P.O. Box 615  
Frankfort, Kentucky 40602-0615

By: \_\_\_\_\_

Ruth H. Baxter  
Attorney for the Complainant  
Carroll County Water District No. #1

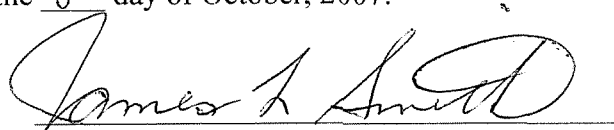
CRAWFORD & BAXTER, P.S.C.  
ATTORNEYS-AT-LAW  
CARROLLTON, KY

**AFFIDAVIT**

The affiant, James L. Smith, after first being duly sworn, states and deposes as follows;

1. He is the manager of the carroll County Water District No. 1;
2. By the terms of this Commission's Order dated August 1, 2007, which was an agreement by and between the parties to this proceeding, Gallatin County was not to construct any water lines within the territory of Carroll County, and was not to allow a third party to connect to its existing water line within the territory of Carroll County;
3. On September 18, 2007, he was on Highway 1039 and observed construction equipment extending the water line from the area where the disputed service is to be located, parallel and along Highway 1039 nearing the connection point of the existing water line of Gallatin County Water District;
4. That the only entity who is authorized by the Kentucky Division of Water to construct a water line in this area is the Gallatin County Water District in accordance with a permit it obtained from the Division of Water on April 10, 2007. A copy of that Permit is attached hereto as Exhibit 1;
5. That the affiant took a photograph of the construction in process on September 18, 2007, and a true and correct copy of that photograph is attached as Exhibit 2;
6. That Joe Greenwell, a representative from the Kentucky Public Service Commission, is also believed to have witnessed the construction in progress, and can verify the construction of the water line by the District in violation of the Commission's Order.

Further the affiant sayeth not, this the 8 day of October, 2007.

  
James L. Smith

STATE OF KENTUCKY )

COUNTY OF CARROLL )

Subscribed and sworn to before me by James L. Smith on this the 8 day of  
October, 2007.

My commission expires: 8-1-2011

  
\_\_\_\_\_  
NOTARY PUBLIC, KY STATE AT LARGE