

**HUDDLESTON LAW OFFICE**  
"Serving Gallatin County since 1979"

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Attorneys  
Stephen P. Huddleston  
Rhonda W. Huddleston

Post Office Box 807  
307 West Main Street  
Warsaw, Kentucky 41095

Ofc: 859.567.2818  
Fax: 859.567.2404

May 31, 2007

RECEIVED

JUN - 4 2007

PUBLIC SERVICE  
COMMISSION

Public Service Commission  
Attn: Filings  
211 Sower Blvd.  
Frankfort, KY 40601

Re: Case No. 2007-00-202

Dear Sir or Madam;

Please file and process the enclosed Response to Motion. Thank You.

Very truly yours,

  
Stephen P. Huddleston

SPH/cf

Enclosure

Cc: Gallatin County Water District

COMMONWEALTH OF KENTUCKY  
PUBLIC SERVICE COMMISSION

IN RE: THE MATTER OF

CARROLL COUNTY WATER DISTRICT NO. 1 )

)

)

)

VS

) CASE NO: 2007-00-202

)

)

)

GALLATIN COUNTY WATER DISTRICT )

RESPONSE TO MOTION

Comes now the respondent Gallatin County Water District (hereinafter GCWD), by counsel, and for its response to the motion of the complainant of record herein, states as follows:

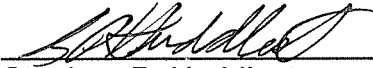
GCWD plainly avows that it intends to construct line and supply water to the area referred to in complainant's motion near the I-71 and Ky. Hwy. 1039 intersection in Gallatin County, Kentucky; and further that in so doing GCWD will proceed through and supply water to territories claimed by complainant. GCWD is eager to respond to the complaint and is content to submit the issue to the PSC for resolution, to the extent that the PSC deems it within its power and/or consistent with its mission to resolve it.

With that said, the motion before the PSC is ill-conceived and unnecessary.

By way of clarification, consider;

- (A) GCWD is not, in fact, currently constructing line through complainant's territory to I-71 and Ky. Hwy. 1039. Some line has been laid by GCWD to Ky. Hwy. 1039, to a point near I-71, through territory claimed by complainant. However, and in fact, no such line has been laid since 2002. At the time this line was laid, in 2002, complainant was fully aware of that activity, and made no complaint. Complaint has only been heard since complainant has learned that a commercial development might be located at the subject site in the future.
- (B) Complainant does not have the exclusive right to provide water service to the subject site. No statute or case law supports that assertion.
- (C) Complainant does not, in fact, have the current capacity or ability to serve the subject site. After expenditure of substantial funds in 2002 to develop lines proceeding toward the subject site at I-71 and Ky. Hwy. 1039, all with the knowledge and acquiescence of complainant, GCWD currently stands approximately 1200 feet from the site with an 8-inch line. The prospective continuation of the line to the subject site has been fully engineered. Complainant, on the other hand, currently stands some 3400 feet from the site with a 4-inch line. For complainant to serve the area, new lines must be laid, a water tank constructed and probably a substantial contribution from the property owners required.

Nothing about complainant's position in this matter promotes the expeditious, efficient, economical and reliable delivery of water service to consumers or the judicious management of the public treasure.

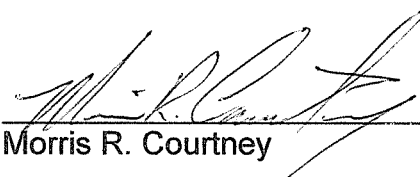
  
\_\_\_\_\_  
Stephen P. Huddleston  
Attorney for GCWD  
P. O. Box 807  
Warsaw, Kentucky 41095  
859-567-2818

#### CERTIFICATE

I hereby certify that a true copy of the foregoing Response to Motion was served upon the Plaintiff by mailing same to Honorable Ruth H. Baxter, P. O. Box 353, Carrollton, Kentucky 41008 on this the 15<sup>th</sup> day of June, 2007.

#### AFFIDAVIT

I, Morris R. Courtney, hereby state and aver that I am the Manager of the Gallatin County Water District (GCWD); that I am personally familiar with all operations and activities of GCWD; that I have read the foregoing Response; and that the statements of fact contained therein relative to the operations and activities of GCWD are true and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
Morris R. Courtney

COMMONWEALTH OF KENTUCKY)  
COUNTY OF GALLATIN )

Subscribed and sworn to before me by Morris R. Courtney on this  
the 1<sup>st</sup> day of June, 2007.

My commission expires: 10/30/09

  
\_\_\_\_\_  
Notary Public, State at Large, Ky.