

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

**RECEIVED**

JAN 03 2008

PUBLIC SERVICE  
COMMISSION

In the Matter of:

Parksville Water District

v.

City of Danville

**Case No. 2007-00405**

**Motion to Accept Late Filing**

The City of Danville ("the City") hereby requests that the Commission accept for filing the concurrently-submitted Answer to the Complaint of Parksville Water District ("Parksville") and Response to Parksville's Motion re withholding payment, although the submissions are past the ordered deadline therefor. The City apologizes for not meeting the deadline and states that the failure to do so was not for the purpose of delaying resolution of this matter but was the result of excusable neglect. In support of this Motion, the City further states as follows:

1. On November 6, 2007, the City filed a motion with the Commission requesting an extension of time in which to satisfy or answer the Complaint, leaving to the Commission the specification of any new deadline. The next day, Parksville filed its motion for an order to withhold payment.

2. Counsel for the City appearing on the 11/6/07 motion then engaged the undersigned to also represent the City in the matter. On or about November 19, 2007, the undersigned attempted to contact Assistant Director Gerald E. Wuetcher of the Division of General Counsel and left for him a voice-mail message that she was joining Mr. Ed Hays in representing the City in this matter and inquiring as to when the Commission might set the deadline for responding to the Complaint and to Parksville's motion.

3. The City disputes Parksville's Complaint on the merits, but is willing to address Parksville's concerns and to work with Parksville to meet those concerns. Accordingly, on or about November 27, 2007, the undersigned counsel initiated contact with Parksville's counsel, seeking to work toward a resolution of this matter. Parksville's counsel has been willing to discuss settlement of the dispute, and those discussions are ongoing.

4. In the meantime, by Order dated December 7, 2007, the Commission found good cause for granting an extension and set December 14, 2007, as the deadline for the City to file an answer to the Complaint and a response to Parksville's Motion. If the 11/7/07 Order was received by Mr. Hays's office, it was not there understood that a copy would not have been sent to the undersigned (who was not on the Commission's service list for the matter). The undersigned did not receive a response from any member of the PSC staff to her message to Mr. Wuetcher, and neither the Order nor the deadline was mentioned in her discussions with Parksville's counsel. The undersigned did not receive actual notice of the deadline until January 2, 2008.

5. Late last month, Staff Attorney Virginia W. Gregg sent an e-mail to Mr. Hays's office with the following message: "The deadline for the City of Danville to respond to the Complaint and Motion of Parksville Water District was 12/14/07. As of 12/27/07, neither has been received by the PSC. Please advise." This email was forwarded to the undersigned on Wednesday, January 2, 2008.

6. On that day (January 2, 2008), the undersigned contacted Ms. Gregg, provided her with the information herein, and undertook to prepare an answer to the Complaint and submit it for filing as soon as possible. The undersigned then contacted Parksville's counsel, told him what had occurred, and emphasized that the City would like to continue its focus on working with Parksville to resolve this dispute.

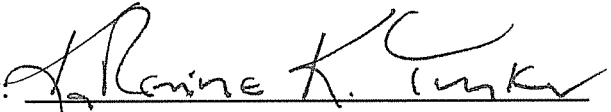
7. The failure to meet the deadline set by the Commission was entirely inadvertent, and the City and its counsel have worked to get an Answer and Response filed as soon as possible after realizing the error.

WHEREFORE, the City of Danville respectfully requests that the Commission accept the submitted Answer and Response for filing.

Respectfully submitted,

Edward D. Hays  
SHEEHAN, BARNETT, HAYS, DEAN  
& PENNINGTON, P.S.C.  
114 South Fourth Street  
P.O. Box 1517  
Danville KY 40423-1517

Katherine K. Yunker  
YUNKER & ASSOCIATES  
P.O. Box 21784  
Lexington, KY 40522-1784  
859-255-0629  
fax: 859-255-0746

By: 

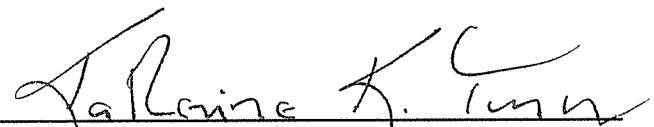
ATTORNEYS FOR THE CITY OF DANVILLE

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on this the 3rd day of January, 2008, the original and ten (10) copies of this Motion were hand-delivered for filing with the Commission, a conformed electronic copy was e-mailed to John N. Hughes and to Virginia W. Gregg, and a copy was served on counsel for the other party by first-class U.S. mail addressed to:

John N. Hughes  
124 W. Todd St.  
Frankfort, KY 40601

*Attorney for Parksville Water District*

  
Attorney for the City of Danville