

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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**PUBLIC SERVICE
COMMISSION**

In the Matter of:

GLENNIS W. BLAIR)
)
COMPLAINANT)
)
V.)
)
APPALACHIAN WASTE CONTROL)
)
DEFENDANT)

CASE NO. 2007-00502

ANSWER

Comes the Defendant, Appalachian Waste Control, by and through its temporary Receiver, Squire N. Williams III, and for its Answer to the Plaintiff's Complaint in the proceeding, respectfully states:

- (a) That this Defendant admits that the Plaintiff's address is given as 25 N. Travis Dr., Thelma, KY 41260.
- (b) That this Defendant affirmatively states that Appalachian Waste Control is currently in the care of a temporary receiver, with the address of P.O. Box 676, Frankfort, Kentucky 40602.
- (c) That this Defendant denies the allegation contained in Paragraph (c) of the Plaintiff's Complaint that states that it has billed for "services that are not available."
- (d) That this Defendant denies the allegation contained in Paragraph (c) of the Plaintiff's Complaint which states that the "System is not working or is not being pump(sic) out as stated by Squire Williams when [Plaintiff] talked to him."
- (e) That this Defendant denies the allegation contained in Paragraph (c) of the Plaintiff's Complaint which states that Plaintiff is "being billed for months that I have paid [illegible]."
- (f) That this Defendant is without knowledge or information sufficient to form a belief with regard to the truth of the Plaintiff's allegation contained in Paragraph (c) of the Plaintiff's Complaint that the "Plant has been inoperative(sic) for a long

period of time (years),” and therefore denies same.

- (g) That this Defendant is without knowledge or information sufficient to form a belief with regard to the allegation contained in Paragraph (c) of the Plaintiff’s Complaint which states “I don’t feel I owe on any billed(sic) sent to me until, we have proper services,” and therefore denies same. Further, this Defendant affirmatively states that the Plaintiff has been billed the monthly rate of \$56.72, as approved by the Public Service Commission on April 30, 2007, for sewer services provided to the Plaintiff’s residence, for each month following such approval.
- (h) That this Defendant is without knowledge or information sufficient to form a belief with regard to the allegation contained in Paragraph (c) of the Plaintiff’s Complaint which states “I also don’t want my water shut off,” and therefore denies same. Further this Defendant states that the Plaintiff has failed to make any monthly rate payment since the implementation of the monthly rate of \$56.72 as approved by the Public Service Commission on April 30, 2007. Plaintiff will be given appropriate notice, and opportunity to pay his delinquent sewer charges, and should he fail to make such payment, in accordance with an agreement with the Paintsville Utilities Commission, at Defendant’s request, Plaintiff’s water service will be shut off until such time as payment therefore is made.
- (I) That this Defendant denies each and every allegation contained in the Plaintiff’s Complaint not specifically responded to above.

FIRST DEFENSE

The Plaintiff’s Complaint fails to state a claim for which relief can be granted, and must be dismissed.

SECOND DEFENSE

To the extent that the Plaintiff’s Complaint is intended to assert an objection to the rate proposed and/or approved by the Public Service Commission, the Plaintiff lacks standing to assert same as he did not timely intervene in the rate case currently pending before the Commission, Case No. 2007-00093, and therefore, the Plaintiff’s Complaint must be dismissed.

THIRD DEFENSE

The Plaintiff’s Complaint fails to state fully, clearly, and with reasonable certainty, the act or thing done or omitted to be done, of which complaint is made, with a reference to any law, order, section, or subsection which he claims has been violated, as required by 807 KAR 5:001 §12(1)(c), and therefore, the Plaintiff’s Complaint must be dismissed.

FOURTH DEFENSE

The Plaintiff's Complaint fails to set forth definitively the exact relief which is desired, as required under the provisions of 807 KAR 5:001 §12(1)(c), and therefore must be dismissed.

WHEREFORE the Defendant prays as follows:

1. That the Plaintiff's Complaint be dismissed.
2. That the Defendant be awarded its costs and fees incurred in defending against the Plaintiff's Complaint.
3. For any and all other relief to which the Defendant may appear entitled.

Respectfully submitted,



Squire N. Williams III
Temporary Receiver for
Appalachian Waste Control
P.O. Box 676
Frankfort, Kentucky 40602
(502) 227-2271

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Answer was mailed via U.S. Mail, first class on this the 17 day of January, 2008 to the following:

Glennis W. Blair
25 N. Travis Drive
Thelma, Kentucky 41260-8630

Gary Keith Fairchild
2656 Route 2039
Hager Hill, Kentucky 41222

Jeffrey Lance Bowling
153 George Branch

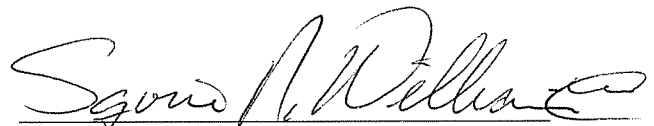
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Squire N. Williams III