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PUBLIC SERVICE  
COMMISSION

Writer's E-mail Address: kcarwell@elpolaw.com

January 20, 2014

Public Service Commission  
P. O. Box 615  
Frankfort, KY 40602-0615

Re: Roy G. Cooksey, M.D. v. Warren County Water District  
Case No. 2013-00109


Gentlemen:

Enclosed are an original and ten copies of the *Stipulation of Facts* to be filed in the above-referenced proceeding.

Thank you for your assistance.

Very truly yours,

ENGLISH, LUCAS, PRIEST & OWSLEY, LLP

  
Keith M. Carwell

jhs

Enclosures

cc: Dr. Roy G. Cooksey  
800 Wakefield  
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Frank Hampton Moore, Jr.  
COLE & MOORE, P.S.C.  
P. O. Box 10240  
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**JAN 23 2014**

**PUBLIC SERVICE  
COMMISSION**

**COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION**

IN THE MATTER OF

ROY G. COOKSEY, M.D.,  
COMPLAINANT

VS.

CASE NO. 2013-00109

WARREN COUNTY WATER DISTRICT,  
DEFENDANT

**STIPULATION OF FACTS**

The parties hereto, by and through their counsel, hereby advise the Commission that they have stipulated the following facts:

1. The real property, water and sewer service to which is the issue before this Commission, ("Cooksey Farm") was acquired by Complainant, Dr. Roy G. Cooksey, by deed dated 2 January 1976, of record in Deed Book 444, Page 19, in the office of the Warren County Clerk and has been continuously owned by him since that date.

2. The Cooksey Farm was acquired by one boundary pursuant to the deed set forth in Paragraph 1 above, not in tracts, and has not been subdivided in any manner.

3. At the time of acquisition of the Cooksey Farm and for many years prior to that date, Warren County Water District, the Defendant ("WCWD"), and its predecessor, Westside Water District, provided water service to the Cooksey Farm. As of this date, the only water

service to the Cooksey Farm has been provided by WCWD which has both a 10 inch water main and 1 inch water service line on the Cooksey Farm. No other utility presently has or has ever provided water or sewer service to the Cooksey Farm.

4. Sewer service is presently available from WCWD to the entire Cooksey Farm. No other utility has sewer or water service presently available on the Cooksey Farm or has ever provided sewer or water service to the Cooksey Farm.

5. In 1975, the current territorial boundaries of WCWD were established by the Warren Fiscal Court. At that time, only the territorial boundary line bisected the farm. As a result of that action, 30 acres adjacent to Lovers Lane ("Front Acreage") are within the current WCWD territorial limits, and the remaining 70 acres ("Rear Acreage") of the Cooksey Farm are outside the current WCWD territorial limits.

6. The entire Cooksey Farm lies outside the city limits of Bowling Green, Kentucky, and the Farm's Rear Acreage is not currently within WCWD's territorial limits.

7. While WCWD does have a sewer line located on the Front Acreage, no other utility has sewer service presently available to the Cooksey Farm, with Bowling Green Municipal Utilities' closest sewer line being over 1,700 feet from the Cooksey Farm with no current easements which would provide it the right to install a sewer line to the Rear Acreage.

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BY:   
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Warren County Water District

BY:   
\_\_\_\_\_  
FRANK HAMPTON MOORE, JR.

This is to certify that the original and ten copies of the foregoing  
**STIPULATION OF FACTS**, was mailed to:

Public Service Commission  
P. O. Box 615  
Frankfort, KY 40602-0615

and a copy was mailed to:

Frank Hampton Moore, Jr.  
COLE & MOORE, P.S.C.  
P. O. Box 10240  
Bowling Green, KY 42102-7240  
Attorney for Warren County Water District

This 20<sup>th</sup> day of January, 2014.

  
\_\_\_\_\_  
KEITH M. CARWELL